

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ADRIA TYNDALL, ERIK TYNDALL, AND
ALEX TYNDALL, by his mother and next friend,
Adria Tyndall,
PLAINTIFFS,

FILED: APRIL 28, 2008
08CV2427 TG
JUDGE GETTLEMAN
MAGISTRATE JUDGE VALDEZ

v.

Case No. _____

HILL'S PET NUTRITION, INC. and
CHEMNUTRA, INC.,

Pending transfer to MDL
1850: *In re Pet Food Prod.*
Liab. Litig. (D. N.J., J.
Hillman)

DEFENDANTS.

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendant Hill's Pet Nutrition, Inc. ("Hill's"), through the undersigned counsel, with full reservation of all defenses, with the consent of Defendant ChemNutra, Inc., and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby removes the state court action entitled *Adria Tyndall, et al. v. Hill's Pet Nutrition, Inc., et al.*, Civil Action No. 08 L 063017, filed in the Circuit Court of Cook County, Illinois, Law Division, Municipal District Three, to the United States District Court for the Northern District of Illinois. Pursuant to 28 U.S.C. § 1446(a), Hill's sets forth below a short and plain statement of the grounds for removal:

1. Plaintiffs filed this action on April 1, 2008, alleging that one of their pet cats was injured and another pet cat died as a result of eating pet food

supplied by Hill's and manufactured by ChemNutra, Inc. ("ChemNutra") allegedly containing melamine.

2. On June 19, 2007, the Judicial Panel on Multidistrict Litigation ("JPML") issued an order under 28 U.S.C. § 1407 establishing an MDL proceeding in the District of New Jersey (MDL-1850) (J. Hillman) for actions arising out of "pet food products allegedly tainted by melamine found in wheat gluten imported from China and used in these products." (Transfer Order attached as Exhibit C.) As required by the Rules of Procedure of the JPML, Hill's intends to inform the JPML that this case is a potential tag-along transferable to MDL-1850. (See Rules of Procedure of the Judicial Panel on Multidistrict Litig., 199 F.R.D. 425 (J.P.M.L. 2001).)

I. REMOVAL IS PROPER BECAUSE THIS COURT HAS SUBJECT MATTER JURISDICTION PURSUANT TO 28 U.S.C. §§ 1332 AND 1441.

3. This Court has original jurisdiction over this civil action under 28 U.S.C. § 1332(a)(1) because the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and because complete diversity of citizenship exists between Plaintiffs and Defendants.

A. The Amount-In-Controversy Requirement Is Met.

4. The question on removal is "whether the stakes exceed (more precisely, whether it is legally possible that they exceed) \$75,000." *Workman v. United Parcel Serv., Inc.*, 234 F.3d 998, 999 (7th Cir. 2000). See also *Oshana v. Coca-Cola Co.*, 472 F.3d 506, 509 (7th Cir. 2006) (affirming remand where defendant

established that plaintiff's damages "could plausibly exceed \$75,000"); *id.* at 513 (removal appropriate unless "it was *legally impossible*" for plaintiff to recover more than \$75,000).

5. It is apparent from the face of the Complaint that Plaintiffs seek recovery of an amount in excess of \$75,000, exclusive of costs and interest. In Count I, Plaintiffs seek unlimited damages in an amount in excess of the Cook County Law Division jurisdictional minimum, which, for Municipal District 3 (in which plaintiffs filed their lawsuit), is \$100,000. (See Circuit Court of Cook County General Order No. 2.1.¹) Count II seeks reimbursement of all veterinary costs for both animals and other "compensation/damages," including "all actual, consequential, and incidental damages that flow directly and in a foreseeable fashion" from Defendants' alleged actions. In Count III, brought pursuant to the Illinois Humane Care for Animals Act, Plaintiffs seek punitive damages, which, pursuant to the statute, may be awarded up to \$25,000. Moreover, Plaintiffs contend that, pursuant to the Humane Care for Animals Act, damages may include the monetary value of the animals, expenses incurred on behalf of the animal, expenses incurred by the owner in rectifying the effects of the pain and suffering of the animal, **and** emotional distress suffered by the owner (Compl., ¶ 43). Plaintiffs

¹ General Order No. 2.1 (a) (1) provides: "The Law Division hears civil actions at law, whether or not a jury is demanded, **except**: . . . (ii) Actions filed in Municipal Districts Two, Three, Four, Five or Six with complaints or counterclaims for compensatory and consequential money damages not in excess of \$100,000 unless a tax claim in excess of \$3,000 is involved."

also seek punitive damages for alleged violation of the Illinois Consumer Fraud and Deceptive Business Practices Act (“ICFA”) (Compl., Count IV).²

6. Given that plaintiffs expressly seek more than \$100,000 for just one of the six counts in the complaint, as well as emotional distress damages, veterinary costs, and punitive damages under two of the counts, it is facially apparent from the Complaint that the amount in controversy exceeds the jurisdictional minimum of \$75,000. *See, e.g., Chase v. Shop ‘N Save Warehouse Foods, Inc.*, 110 F.3d 424, 428 (7th Cir. 1997) (“the appropriate focus in determining the amount in controversy is on plaintiff’s assessment of the value of her case”); *Rising-Moore v. Red Roof Inns, Inc.*, 435 F.3d 813, 816 (7th Cir. 2006) (focus is on “what the plaintiff hopes to get out of the litigation”). Plaintiffs in no way limit the amount in controversy to less than \$75,000.

B. There is Complete Diversity of Citizenship Between Plaintiffs and Defendants.

7. As alleged in their Complaint, Plaintiffs are residents and citizens of Illinois (Compl., ¶ 29).

² “Punitive damages are properly considered in determining whether the jurisdictional minimum was alleged.” *Loss v. Blankenship*, 673 F.2d 942, 951 (7th Cir. 1982); *see also Oshana*, 472 F.3d at 512 (considering punitive damages under ICFA in determining whether amount-in-controversy requirement was met).

8. At the time Plaintiffs commenced this action in Illinois state court and at the time of filing this Notice of Removal, Defendant Hill's was and is a Delaware corporation, with its principal place of business in Kansas.

9. At the time Plaintiffs commenced this action in Illinois state court and at the time of filing this Notice of Removal, Defendant ChemNutra was and is a Nevada corporation, with its principal place of business in Nevada.

10. Accordingly, there is complete diversity between Plaintiffs and Defendants. *See* 28 U.S.C. § 1332(c)(1) ("a corporation shall be deemed to be a citizen of any State by which it has been incorporated and of the State where it has its principal place of business").

II. THE PROCEDURAL REQUIREMENTS FOR REMOVAL ARE SATISFIED.

11. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b). Upon information and belief, Plaintiffs filed this action on or about April 1, 2008, in the Circuit Court of Cook County, Illinois. Hill's was served with a Summons and a copy of Plaintiff's Complaint on April 3, 2008; ChemNutra was served on April 7, 2008. The Complaint was the initial pleading received by Defendants setting forth the claims for relief upon which this action is based. Defendants are filing this Notice of Removal within 30 days of receipt of the initial pleading setting forth the claim for relief upon which this action is based – the Complaint. *See Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344,

354 (1999) (30-day time period under the removal statute begins to run from the date of formal service).

12. The United States District Court for the Northern District of Illinois embraces the county in which the state court action is now pending. Therefore this action is properly removed to the Northern District of Illinois pursuant to 28 U.S.C. § 1441(a).

13. Pursuant to 28 U.S.C. § 1446(d), Hill's is filing written notice of this removal and a copy of the Notice of Removal with the clerk of the state court in which this action is currently pending and will serve a copy of this notice on all parties to the removed action.

14. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders filed in state court are attached hereto as Exhibit A.

15. Defendant ChemNutra has consented to this removal and notice of its consent is attached hereto as Exhibit B.

WHEREFORE, Defendant Hill's Pet Nutrition, Inc. respectfully removes this action from the Circuit Court of Cook County, Illinois, bearing Civil Action No. 07 L 10287, to this Court pursuant to 28 U.S.C. §§ 1332, 1441, and 1446. Should any question arise as to the removal of this matter, Hill's respectfully requests an opportunity to provide briefing and an oral argument as to why removal is proper.

Dated: April 28, 2008

By: s/Kara L. McCall
Kara L. McCall (6272681)
SIDLEY AUSTIN LLP
One South Dearborn Street
Chicago, Illinois 60603
phone 312.853.7000
facsimile 312.853.7036
Firm No. 42418

James D. Arden (of counsel)
SIDLEY AUSTIN LLP
787 Seventh Avenue
New York, New York 10019
phone 212.839.5300
facsimile 212.839.5599

**Counsel for Hill's Pet Nutrition,
Inc.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **Notice of Removal** has been filed electronically and has also been mailed via U.S. Mail, postage prepaid, from Chicago, Illinois on April 28, 2008 to the following counsel of record.

s/Kara L. McCall
SIDLEY AUSTIN LLP

Copies Mailed To:

Gary A. Newland
NEWLAND, NEWLAND, & NEWLAND
121 S. Wilke Road, Suite 101
Arlington Heights, Illinois 60005
Counsel for Plaintiffs

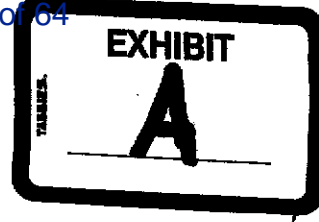
Jack Riley
JOHNSON & BELL, LTD.
33 W. Monroe Street, Suite 2700
Chicago, IL 60603
Counsel for ChemNutra, Inc.

2120 - Served
2220 - Not Served
2320 - Served By Mail
2420 - Served By Publication
SUMMONS

2121 - Served
2221 - Not Served
2321 - Served By Mail
2421 - Served By Publication
ALIAS - SUMMONS

MAGISTRATE JUDGE VALDEZ

CCG N001-10M-1-07-05 (



IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

(Name all parties)

ADRIA TYNDALL, ERIK TYNDALL, and ALEX
TYNDALL, by his mother and next friend, Adria Tyndall

v.

HILL'S PET NUTRITION, INC. and
CHEMNUTRA, INC.

No. 08L063017

CT Corporation System
Registered Agent for Hill's Pet Nutrition
208 S. LaSalle St., # 814
Chicago, IL 60604

SUMMONS

To each Defendant:

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, and pay the required fee, in the Office of the Clerk of this Court at the following location:

- | | | |
|---|--|---|
| <input type="checkbox"/> Richard J. Daley Center, 50 W. Washington, Room _____, Chicago, Illinois 60602 | | |
| <input type="checkbox"/> District 2 - Skokie
5600 Old Orchard Rd.
Skokie, IL 60077 | <input checked="" type="checkbox"/> District 3 - Rolling Meadows
2121 Euclid
Rolling Meadows, IL 60008 | <input type="checkbox"/> District 4 - Maywood
1500 Maybrook Ave.
Maywood, IL 60153 |
| <input type="checkbox"/> District 5 - Bridgeview
10220 S. 76th Ave.
Bridgeview, IL 60455 | <input type="checkbox"/> District 6 - Markham
16501 S. Kedzie Pkwy.
Markham, IL 60426 | <input type="checkbox"/> Child Support
28 North Clark St., Room 200
Chicago, Illinois 60602 |

You must file within 30 days after service of this Summons, not counting the day of service.
IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF REQUESTED IN THE COMPLAINT.

To the officer:

This Summons must be returned by the officer or other person to whom it was given for service with endorsement of service and fees, if any, immediately after service. If service cannot be made, this Summons shall be returned so endorsed. This Summons may not be served later than 30 days after its date.

Atty. No.: 32700

Name: Gary A. Newland

Atty. for: Plaintiffs

Address: 121 S. Wilke Road, Suite 101

City/State/Zip: Arlington Heights, IL 60005

Telephone: (847) 797-8000

Service by Facsimile Transmission will be accepted at:

WITNESS, DOROTHY BROWN APR - 1 2008

Clerk of Court

Date of service: _____
(To be inserted by officer on copy left with defendant or other person)

(Area Code) (Facsimile Telephone Number)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

2120 - Served
 2220 - Not Served
 2320 - Served By Mail
 2420 - Served By Publication
 SUMMONS

2121 - Served
 2221 - Not Served
 2321 - Served By Mail
 2421 - Served By Publication
 ALIAS - SUMMONS

CCG N001-10M-1-07-05 ()

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT, _____ LAW _____ DIVISION

(Name all parties)

ADRIA TYNDALL, ERIK TYNDALL, and ALEX
 TYNDALL, by his mother and next friend, Adria Tyndall

v.

HILL'S PET NUTRITION, INC. and
 CHEMNUTRA, INC.

08L063017

No. _____

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 Registered Agent for Hill's Pet Nutrition
 208 S. LaSalle St., # 814
 Chicago, IL 60604

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|---|--|---|
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Skokie, IL 60077 | <input checked="" type="checkbox"/> District 3 - Rolling Meadows
2121 Euclid
Rolling Meadows, IL 60008 | <input type="checkbox"/> District 4 - Maywood
1500 Maybrook Ave.
Maywood, IL 60153 |
| <input type="checkbox"/> District 5 - Bridgeview
10220 S. 76th Ave.
Bridgeview, IL 60455 | <input type="checkbox"/> District 6 - Markham
16501 S. Kedzie Pkwy.
Markham, IL 60426 | <input type="checkbox"/> Child Support
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Chicago, Illinois 60602 |

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DOROTHY BROWN APR - 1 2008

WITNESS, _____

Atty. No.: 32700

Name: Gary A. Newland

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Address: 121 S. Wilke Road, Suite 101

City/State/Zip: Arlington Heights, IL 60005

Telephone: (847) 797-8000

Service by Facsimile Transmission will be accepted at: _____

Clerk of Court

Date of service: _____

(To be inserted by officer on copy left with defendant or other person)

(Area Code) (Facsimile Telephone Number)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

#32700

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
THIRD MUNICIPAL DISTRICT, LAW DIVISION

ADRIA TYNDALL, ERIK TYNDALL,)
And ALEX TYNDALL, a minor,)
By his mother and next)
Friend, ADRIA TYNDALL,)

Plaintiffs,

v.

HILL'S PET NUTRITION, INC. and)
CHEMNUTRA, INC.,)

Defendants.)

No. **08L063017**

Amt. Claimed: in excess of
the minimum jurisdictional
amount

08 APR -1 AM 10:04
CIRCUIT COURT OF COOK
COUNTY, ILLINOIS
DISTRICT-3
CLERK
DOROTHY BROWN

FILED

COMPLAINT

NOW COMES the Plaintiffs, ADRIA TYNDALL, ERIK TYNDALL, and ALEX TYNDALL, a minor, by his mother and next friend, ADRIA TYNDALL, by and through their attorneys, NEWLAND, NEWLAND & NEWLAND, and complaining of the Defendants, HILL'S PET NUTRITION, INC. and CHEMNUTRA, INC., allege as follows:

STATEMENT OF FACTS

1. That on or about March, 1999, plaintiffs, ADRIA TYNDALL AND ERIK TYNDALL, ("plaintiffs") purchased 2 cats named BINX and BASTET from a breeder.
2. CHEMNUTRA, INC. picked up melamine-tainted product at a port of entry in Kansas City and then sold it to HILL'S PET NUTRITION, INC.
3. Melamine was added to boost the protein content and save money over more expensive methods of increasing the protein content.
4. Both BINX and BASTET were Lilac Point Siamese cats, born 1-19-99

from the same litter and were the best of friends.

5. Prior to 1-13-07, both Binx and Bastet were relatively healthy cats and were cherished by the entire family, especially Alex Tyndall, the family's oldest child.

6. On or about 1-13-07, Binx was taken to the veterinarian for weight loss concerns. A complete blood work-up was performed; all kidney values were in normal range, however, Binx was diagnosed with diabetic mellitus.

7. On or about 1-17-07, Binx was started on lantus insulin and Hill's Prescription Diet m/d canned cat food.

8. On or about 1-25-07, the veterinarian and a representative from Hill's recommended switching Binx over to Prescription Diet m/d dry feline food. Plaintiffs were also advised their other cat, Bastet could be fed the same food.

9. Plaintiffs chose Hill's Science Diet to feed both Binx and Bastet because it offered health benefits other foods did not, even though it was considerably more expensive.

10. On or about 3-16-07 Menu Foods issues massive recall of "Savory Cuts and Gravy" product it produces for Hill's Science Diet as well as for other pet food companies.

11. On or about 3/29/07, Binx began vomiting and had decreased appetite over the next week; he eventually stopped eating all together and was lethargic.

12. On or about 3-30-07, Binx is taken to the veterinarian and is diagnosed with acute renal failure. Kidney values are extremely high and Binx is transferred to an emergency veterinary clinic for treatment.

13. On or about 3-30-07, Hill's issues a recall of Prescription Diet m/d dry feline food and plaintiffs stop using Hill's m/d dry prescription cat food.

14. 3-31-07, Binx is not urinating and treatment is not successful.

15. 4-1-07; Binx has fluid overload and the only option is to do dialysis. The family could not afford kidney dialysis and the outcome was speculative.

16. 4-1-07; fluid is starting to collect around Binx' heart and his breathing is labored. The family decided to euthanize Binx.

17. 4-1-07; tissue and food samples were sent to Iowa State University for testing.

18. On or about 4-2-07, Bastet is seen at Animal Care Clinic for blood tests. Bastet's blood showed high creatnine levels indicating a degree of renal failure. The veterinarian suspected food poisoning and uses aggressive treatment; Bastet spends the night at the clinic.

19. On or about 4-3-07, Bastet is released and creatnine levels are still high. Bastet will not eat at the clinic, and the vet releases Bastet to go home.

20. 4-7-07; Bastet is eating at home and creatnine valve is within normal range.

21. 5-2-07; Bastet's creatnine level his high again.

22. 5-14-07; Bastet's creatnine level is high.

23. 5-23-07; Fluid therapy begins at home, but Bastet is not tolerant of the therapy.

24. 4-11-07; The College of Veterinary Medicine, Veterinary Diagnostics Lab in Ames, Iowa indicated that Binx suffered from toxic nephrosis among other related conditions.

25. 9-14-07; DVM Laboratory determined the dry pellet cat food provided by Defendants revealed the presence of melamine and cyanuric acid.

26. 10-3-07; The CVM Laboratory opined that the presence of melamine and cyanuric acid in the dry cat food caused the animal's death by consuming these contaminants.

27. Plaintiff's cats were poisoned by Defendant.

28. Defendant's conduct exhibited a reckless disregard for Plaintiffs and Plaintiff's cats.

COUNT I

(NEGLIGENCE AS AGAINST HILL'S PET NUTRITION, INC.)

0 - 28. The plaintiffs incorporate the preceding paragraphs of Statement of Facts, by this reference, as if each and every of these paragraphs were set forth here in their entirety.

29. That Plaintiffs are under no legal disability and are residents and citizens of the State of Illinois.

30. That Defendant does business as "Hills Science Diet" and is a corporation which has an extensive presence within the State of Illinois and especially within Cook County, Illinois.

31. That Defendant's business consists of distribution and sale of pet foods, among other things.

32. That in conjunction with the sale of such items as pet foods, Defendant represents their food is healthier for cats than other types of cat food.

33. That Defendants guaranteed and when questioned, stated that their

product is better than other less expensive brands of cat food.

34. The defendant designed, manufactured, distributed, and sold pet food and products that were adulterated with melanine and cyanuric acid, a potentially deadly poison. These products, as a result of adulteration, were unfit for pet consumption, and were not reasonably safe as designed, constructed, manufactured, and sold.

35. The defendant owed a duty to all consumers who would purchase said pet food for its' pets, to manufacture and sell food that was safe for pets to eat, that was not adulterated with potentially deadly poisons, like melanine and cyanuric acid, and that was not in violation of applicable food and safety regulations.

36. The defendant breached the duties it owed to consumers by committing the following acts and omissions of negligence:

- a) Failed to adequately maintain or monitor the sanitary conditions of its food, suppliers, premises, and employees;
- b) Failed to properly test its food products;
- c) Failed to apply its food safety policies and procedures to ensure the safety of domestic pets;
- d) Failed to prevent the transmission of poisons from its food to its' customers domestic pets;
- e) Failed to properly train its employees and agents how to prevent the transmission of poisons to its food;

- f) Failed to properly supervise its employees and agents to prevent the transmission of poisons to Plaintiff's cats;
- g) Failed to design, implement, have, or enforce a policy which would prevent the poisoning of Plaintiff's cats;
- h) Failed to design or implement a policy which would timely remove poisonous product from commerce to prevent the poisoning of Plaintiff's cats;
- i) Failed to properly investigate CHEMNUTRA, INC.; and
- j) Failed to properly determine if suppliers of food material is in compliance with standards in the industry.

37. The plaintiffs were injured and their pets sustained injury and death as the proximate result of the defendant's negligent acts and omissions, as set forth above.

WHEREFORE, Plaintiffs ADRIA TYNDALL, ERIK TYNDALL, and ALEX TYNDALL, a minor, by his mother and next friend, ADRIA TYNDALL, prays this Court find in favor of Plaintiffs and against Defendants, Hills Pet Nutrition, Inc., and award Plaintiffs compensation in excess of the amount to establish jurisdiction in the Law Division of the Circuit Court of Cook County.

COUNT II

BREACH OF WARRANTY

0 - 37. The plaintiffs incorporate the preceding paragraphs of this

Complaint, by this reference, as if each and every of these paragraphs were set forth here in their entirety.

38. By offering pet food for sale to the general public the defendant Hill's Pet Nutrition expressly warranted that such food was safe for pets to eat, that it was not adulterated with deadly poisons, and that the food had been safely and properly prepared.

39. By offering pet food for sale to the general public, the defendant also impliedly warranted that such pet food was safe for pets to eat, that it was not adulterated with deadly poisons, and that the food had been safely prepared.

40. The defendant Hill's Pet Nutrition breached its express and implied warranties with regard to the pet food it manufactured and sold to the plaintiff.

41. The plaintiffs suffered damages and their pets suffered injury and death as a foreseeable consequence of the defendant Hill's breach of warranties, as set forth above, and is thus entitled to recover for all actual, consequential, and incidental damages that flow directly and in a foreseeable fashion from these breaches.

WHEREFORE, Plaintiffs, ADRIA TYNDALL, ERIK TYNDALL, and ALEX TYNDALL, a minor, by his mother and next friend, ADRIA TYNDALL, prays this Court find in favor of Plaintiffs and against Defendants, Hills Pet Nutrition, Inc., and award Plaintiffs as follows:

- a) Reimbursement for all veterinary costs for Binx and Bastet;

- b) Compensation / damages;
- c) ~~Attorney's fees, and~~
- d) Any such further relief this Court deems just.

COUNT III
HUMANE CARE FOR ANIMALS ACT

0 - 41. The plaintiff incorporates the preceding paragraphs of this Complaint, by this reference, as if each and every of these paragraphs were set forth here in their entirety.

42. At all times relevant hereto, 510 ILCS 70/3.02 was the law in Illinois and states, in part:

Sec. 3.02. Aggravated cruelty. No person may intentionally commit an act that causes a companion animal to suffer serious injury or death. A person convicted of violating Sec. 3.02 is guilty of a Class 4 felony. A second or subsequent violation is a Class 3 felony.

43. At all times relevant hereto, 510 ILCS 70/16.3 was the law in Illinois and states, in part:

Sec. 16.3. Civil Actions. Any person who has a right of ownership in an animal that is subjected to an act of aggravated cruelty under Section 3.02 or torture under Section 3.03 in violation of this Act or in an animal that is injured or killed as a result of actions taken by a person who acts in bad faith under subsection (b) of the Section 3.06 or under Section 12 of the Act may bring a civil action to recover the damages sustained by that owner. Damages may include, but are not limited to, the monetary value of the animal, veterinary expenses incurred on behalf of the animal, any other expenses incurred by the owner in rectifying the effects of the cruelty, pain and suffering of the animal, and emotional distress suffered by the owner. In addition to damages that may be proven, the owner is also entitled to punitive or exemplary damages of not less than \$500 but not more than \$25,000 for each act of abuse or neglect to which the animal was subjected. In addition, the court must award reasonable attorney's fees and costs actually incurred by the owner in the prosecution of any action under this Section.

The remedies provided in this Section are in addition to any other remedies allowed by law.

In an action under this Section, the Court may enter any injunctive Orders reasonably necessary to protect animals from any further acts of abuse, neglect, or harassment by a defendant.

The statute of limitations for cruelty to animals is two years.

WHEREFORE, Plaintiffs, ADRIA TYNDALL, ERIK TYNDALL, and ALEX TYNDALL, a minor, by his mother and next friend, ADRIA TYNDALL, prays this Court find in favor of Plaintiffs and against Defendants, Hills Pet Nutrition, Inc., and award Plaintiffs as follows:

- a) Reimbursement for all veterinary costs for Binx and Bastet;
- b) Compensation / damages;
- c) Punitive damages;
- d) Attorney's fees; and
- e) Any such further relief this Court deems just.

COUNT IV

(VIOLATION OF ILLINOIS CONSUMER FRAUD AND DECEPTIVE BUSINESS PRACTICES ACT

0 - 43. The plaintiff incorporates the preceding paragraphs of this Complaint, by this reference, as if each and every of these paragraphs were set forth here in their entirety.

44. That Defendant intended for Plaintiff and other customers to rely on said representation in purchasing products, and that in reliance on, inter alia, Defendant's aforesaid representation, Plaintiff purchased Defendant's product.

45. That Defendant's representation constitutes deceptive, fraudulent, or unfair business practices in violation of the Illinois Consumer Fraud and Deceptive Business Practices Act (815 ILCS 50/51, *et seq.*) as Defendants actually put into commerce a product which was poisonous to cats.

WHEREFORE, Plaintiffs pray this Court award as follows:

- a) Compensation / damages;
- b) Punitive damages;
- c) Attorney's fees; and
- d) Any such further relief this Court deems just.

COUNT V

STRICT LIABILITY AS TO HILL'S PET NUTRITION

0 - 45. The plaintiff incorporates the preceding paragraphs of this Complaint, by this reference, as if each and every of these paragraphs were set forth here in their entirety.

46. Hill's Pet Nutrition, Inc. is in the business of manufacturing and distributing cat food and distributed adulterated food which injured one of Plaintiff's cats and killed the other.

47. Cat food which contains melanine is unsafe when put into use and sold for cat consumption.

48. The cat food which was manufactured and distributed to Plaintiff's cats by defendant Hill's Pet Nutrition, Inc. was contaminated with melanine at the

time it left the control of Hill's Pet Nutrition, Inc.

49. The Plaintiff's cats' consumption of the contaminated food caused illness, injury and death to BINX and injury and illness to BASTET.

50. Defendant HILL'S PET NUTRITION, INC. is strictly liable to the Plaintiffs for the harm proximately caused by the manufacture and distribution of unsafe and defective food.

WHEREFORE, Plaintiffs pray this Court award as follows:

a) Compensation / damages;

~~b) Punitive damages;~~

~~c) Attorney's fees, and~~

d) Any such further relief this Court deems just.

COUNT VI

STRICT LIABILITY AS TO CHEMNUTRA, INC.

0 - 50. The plaintiff incorporates the preceding paragraphs of this Complaint, by this reference, as if each and every of these paragraphs were set forth here in their entirety.

51. ChemNutra, Inc. is in the business of manufacturing and/or distributing product used in cat food and distributed adulterated food which injured one of Plaintiff's cats and killed the other.

52. Cat food which contains melanine is unsafe when put into use and sold for cat consumption.

53. The cat food which was manufactured and distributed to Plaintiff's cats by defendant ChemNutra, Inc. was contaminated with melanine at the time it left the control of ChemNutra, Inc.

54. The Plaintiff's cats' consumption of the contaminated food caused illness, injury and death to BINX and injury and illness to BASTET.

55. Defendant ChemNutra, Inc. is strictly liable to the Plaintiffs for the harm proximately caused by the manufacture and distribution of unsafe and defective food.

WHEREFORE, Plaintiffs pray this Court award as follows:

- a) Compensation / damages;
- ~~b) Punitive damages;~~
- ~~c) Attorney's fees; and~~
- d) Any such further relief this Court deems just.

Respectfully Submitted,
ADRIA TYNDALL AND ERIK TYNDALL

By: 
One of Their Attorneys

Gary A. Newland
NEWLAND, NEWLAND & NEWLAND
121 S. Wilke Road, Suite 101
Arlington Heights, Illinois 60005
(847) 797-8000
Atty. No. 32700

EXHIBIT

tabbier

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ANIMAL CARE CLINIC

FACSIMILE TRANSMITTAL SHEET

TO: Dr Forester + Review Board FROM: Dr Bierlein
 COMPANY: Hills DATE: 5-24-07
 FAX NUMBER: 800-548-8329 TOTAL NO. OF PAGES INCLUDING COVER: 8
 RE: Binx + Bastet Tyndall

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Enclosed are copies of our invoices for both cats. I was not able to get invoices from the E.R. (Animal Emergency Clinic of McHenry County #815-479-9119 Fax 847-854-9119)

Also enclosed is the preliminary report from Iowa concerning kidney histopath for Binx.

Binx Case # 100-125-156

Bastet Case # 100-131-341

Dr. Dan Markwalder Dr. Sharon Payne Dr. Dawn Thrall Dr. Katie Schreurs

Dr. Cheryl Stroud Dr. Paul Bierlein Dr. Adam Conroy Dr. Shalini Emmanuel

230 STONEGATE ROAD * ALGONQUIN, IL 60102
 PHONE: (847) 854-8387 FAX: (847) 854-6614

ANIMAL CARE CLINIC

FACSIMILE TRANSMITTAL SHEET

TO: Dr. Wayner, DVM FROM: Dr. Bierlein
 COMPANY: Hills DATE: 5-24-07
 FAX NUMBER: 785-368-5263 TOTAL NO. OF PAGES INCLUDING COVER: 8
 RE: Binx & Bastet Tyndall

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

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Binx Case # 100-125-156
 Bastet Case # 100-131-341

Dr. Dan Markwalder Dr. Sharon Payne Dr. Dawn Thrall Dr. Katie Schreurs

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ANIMAL CARE CLINIC

"CARING FOR PETS AND THEIR PEOPLE"

230 STONEGATE ROAD

ALGONQUIN, IL 60102

(847) 854-8387

Page 1 / 1

Adria & Erik Tyndall
1537 Magnolia Drive
Crystal Lake, IL 60014

Client ID: 131845

Invoice #: 261928

Date: 3/30/2007

Patient ID: 131845-1		Species: FELINE	Weight: 16.30 pounds	
Patient Name: Binx		Breed: SIAMESE	Birthday: 01/13/1999	Sex: Neuter
	Description	Staff Name	Quantity	Total
3/30/2007	EXAMINATION RECHECK	PAUL A. BIERLEIN, DVM	1.00	\$38.00
3/30/2007	CBC/CHEMISTRY (IN-HOUSE)		1.00	\$112.00
3/30/2007	URINALYSIS		1.00	\$29.75
3/30/2007	CULTURE (URINE BACTERIAL)		1.00	\$99.00
3/30/2007	YOUR RECEPTIONIST WAS LAURA F		1.00	\$0.00
Patient Subtotal:				\$278.75
Invoice Total:				\$278.75
Total:				\$278.75
Invoice Balance Due:				\$278.75
VISA:				(\$278.75)
Less Payment:				(\$278.75)
Invoice Balance Due:				\$0.00
Balance Due:				\$0.00

HEARTWORM & FLEA SEASON IS PRACTICALLY HERE! THAT'S RIGHT ... SPRING IS JUST AROUND THE CORNER AND THAT MEANS FLEAS AND MOSQUITOS THAT CARRY HEARTWORM DISEASE WON'T BE FAR BEHIND. "PREVENTION BEFORE INFESTATION" IS THE KEY. MAKE SURE YOUR PET'S HEARTWORM TEST IS UP-TO-DATE AND START HIM/HER ON PREVENTION "NOW!"

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"CARING FOR PETS AND THEIR PEOPLE"

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ALGONQUIN, IL 60102

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Page 1 / 1

Adria & Erik Tyndall
1537 Magnolia Drive
Crystal Lake, IL 60014

Client ID: 131845

Invoice #: 262131

Date: 4/2/2007

Patient ID: 131845-2	Species: FELINE	Weight:
Patient Name: Bastet	Breed: SIAMESE	Birthday: 01/19/1999
		Sex: Spay

	Description	Staff Name	Quantity	Total
2/2007	PRE ANESTHETIC BLOOD SCREEN I	SHARON M. PAYNE, DVM	1.00	\$58.00
2/2007	ELECTROLYTES (IN-HOUSE)		1.00	\$23.00
2/2007	HOSPITALIZATION (DAY)		1.00	\$44.00
2/2007	IV Catheter and IV Fluids, in Hospital		1.00	\$0.00
2/2007	FLUIDS INTRAVENOUS/LITER		1.00	\$20.00
2/2007	CATHETERIZATION IV		1.00	\$65.00
2/2007	IV SET-UP		1.00	\$18.75
2/2007	URINALYSIS		1.00	\$29.75
2/2007	YOUR RECEPTIONIST WAS LAURA F		1.00	\$0.00
	Patient Subtotal:			\$258.50
	Invoice Total:			\$258.50
	Total:			\$258.50
	Invoice Balance Due:			\$258.50
	VISA:			(\$258.50)
	Less Payment:			(\$258.50)
	Invoice Balance Due:			\$0.00
	Balance Due:			\$0.00

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Page 1 / 1

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 ALGONQUIN, IL 60102
 (847) 854-8387

Adria & Erik Tyndall
 1537 Magnolia Drive
 Crystal Lake, IL 60014

Client ID: 131845
 Invoice #: 262816
 Date: 4/7/2007

Patient ID: 131845-2		Species: FELINE	Weight:	
Patient Name: Bastet		Breed: SIAMESE	Birthday: 01/19/1999	Sex: Spay
	Description	Staff Name	Quantity	Total
7/2007	VET TEST	PAUL A. BIERLEIN, DVM	1.00	\$27.75
7/2007	ADDITIONAL VET TEST		1.00	\$19.85
7/2007	C-PINK COUPON-\$10 OFF VISIT		-1.00	(\$10.00)
7/2007	YOUR RECEPTIONIST WAS DONNA K		1.00	\$0.00
Patient Subtotal:				\$37.40
Invoice Total:				\$37.40
Total:				\$37.40
Invoice Balance Due:				\$37.40
VISA:				(\$37.40)
Less Payment:				(\$37.40)
Invoice Balance Due:				\$0.00
Balance Due:				\$0.00

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ANIMAL CARE CLINIC

Page 1 / 1

"CARING FOR PETS AND THEIR PEOPLE"
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 (847) 854-8387

Idria & Erik Tyndall
 1537 Magnolia Drive
 Crystal Lake, IL 60014

Client ID: 131845
 Invoice #: 286174
 Date: 5/23/2007

Patient ID: 131845-2		Species: FELINE	Weight:	
Patient Name: Bastet		Breed: SIAMESE	Birthday: 01/19/1999	
			Sex: Spay	
	Description	Staff Name	Quantity	Total
23/2007	LACTATED RINGER 1 LITER	SHARON M. PAYNE, DVM	2.00	\$29.50
23/2007	VENOSET		1.00	\$14.50
23/2007	NEEDLES/SYRINGES		10.00	\$5.80
Patient Subtotal:				\$49.80

Patient ID: 131845-3		Species: FELINE	Weight: 1.80 pounds	
Patient Name: Frankie		Breed: SIAMESE	Birthday: 02/28/2007	
			Sex: Female	
	Description	Staff Name	Quantity	Total
23/2007	FVRCP FELINE KITTEN (3WI)	SHARON M. PAYNE, DVM	1.00	\$0.00
23/2007	FECAL EXAMINATION (FLOTATION)		1.00	\$0.00
23/2007	2ND DEWORMING (NO 'R')		1.00	\$0.00
Patient Subtotal:				\$0.00

Reminder

6/13/2007 FVRCP FELINE KITTEN (3WI)
 5/23/2008 FECAL EXAMINATION (FLOTATION)

Invoice Total:	\$49.80
Total:	\$49.80
Invoice Balance Due:	\$49.80
VISA:	(\$49.80)
Less Payment:	(\$49.80)
Invoice Balance Due:	\$0.00
Balance Due:	\$0.00

HEARTWORM & FLEA SEASON IS PRACTICALLY HERE! THAT'S RIGHT ... SPRING IS JUST AROUND THE CORNER AND THAT MEANS FLEAS AND MOSQUITOS THAT CARRY HEARTWORM DISEASE WON'T BE FAR BEHIND. "PREVENTION BEFORE INFESTATION" IS THE KEY. MAKE SURE YOUR PET'S HEARTWORM TEST IS UP-TO-DATE AND START HIM/HER ON PREVENTION "NOW".

Total Out of Pocket Costs for Kidney Failure

Cat	Date	Location	Description	Cost
Binx	3/30/2007	Animal Care Clinic	Lab Work and Exam	278.75
Binx	3/30/2007	Animal Emergency	Hospitalization, Euthansia, Pathology	961.37
Bastet	4/2/2007	Animal Care Clinic	Labwork, Fluids, Exam	258.50
Bastet	4/2/2007	Animal Emergency	Hospitalization	193.30
Bastet	4/7/2007	Animal Care Clinic	Labwork	37.40
Bastet	5/2/2007	Animal Care Clinic	Labwork	47.40
Bastet	5/23/2007	Animal Care Clinic	Sub-Q Fluid Supplies	49.80
			Total	1826.52

CARRYING FOR PETS AND THEIR PEOPLE

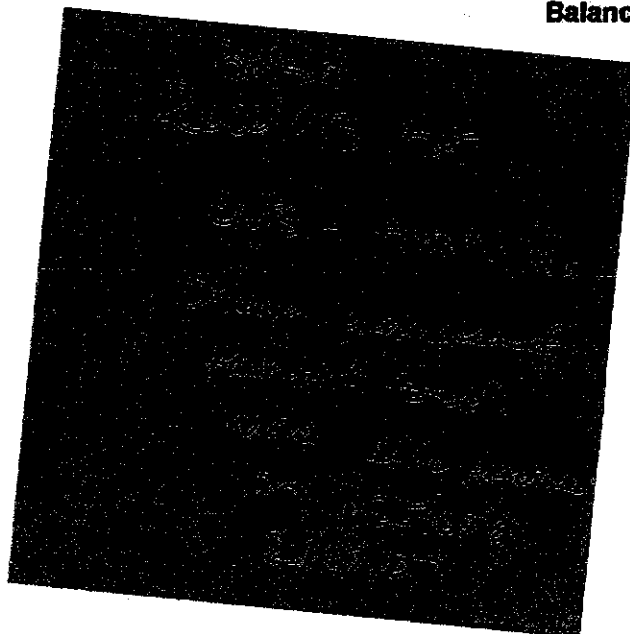
230 STONEGATE ROAD
ALGONQUIN, IL 60102
(847) 854-8387

Idria & Erik Tyndall
537 Magnolia Drive
Crystal Lake, IL 60014

Client ID: 131845
Invoice #: 260546
Date: 3/14/2007

Patient ID: 131845-1	Species: FELINE	Weight: 16.30 pounds
Patient Name: Binx	Breed: SIAMESE	Birthday: 01/13/1999 Sex: Neuter

	Description	Staff Name	Quantity	Total
14/2007	Feline M/D-10# Bag	ANIMAL CARE CLINIC	1.00	\$31.59
14/2007	YOUR RECEPTIONIST IS STEPHANIE		1.00	\$0.00
Patient Subtotal:				\$31.59
Invoice Total:				\$31.59
Total:				\$31.59
Invoice Balance Due:				\$31.59
VISA:				(\$31.59)
Less Payment:				(\$31.59)
Invoice Balance Due:				\$0.00
Balance Due:				\$0.00



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"CARING FOR PETS AND THEIR PEOPLE"

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ALGONQUIN, IL 60102

(847) 854-8387

Page 1 / 1

Adria & Erik Tyndall
1537 Magnolia Drive
Crystal Lake, IL 60014

Client ID: 131845

Invoice #: 261928

Date: 3/30/2007

Patient ID: 131845-1	Species: FELINE	Weight: 16.30 pounds	
Patient Name: Binx	Breed: SIAMESE	Birthday: 01/13/1999 Sex: Neuter	
<u>Description</u>	<u>Staff Name</u>	<u>Quantity</u>	<u>Total</u>
30/2007 EXAMINATION RECHECK	PAUL A. BIERLEIN, DVM	1.00	\$38.00
30/2007 CBC/CHEMISTRY (IN-HOUSE)		1.00	\$112.00
30/2007 URINALYSIS		1.00	\$29.75
30/2007 CULTURE (URINE BACTERIAL)		1.00	\$99.00
30/2007 YOUR RECEPTIONIST WAS LAURA F		1.00	\$0.00
Patient Subtotal:			\$278.75
Invoice Total:			\$278.75
Total:			\$278.75
Balance Due:			\$278.75
Previous Balance:			\$0.00
Balance Due:			\$278.75
VISA:			(\$278.75)
Less Payment:			(\$278.75)
Balance Due:			\$0.00

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Animal Emergency of McHenry County

Page 1 / 2

1095 Pingree Road
Crystal Lake, IL 60014
(815) 479-9119

Erik Tyndall
1537 Magnolia Dr.
Crystal Lake, IL 60014

Client ID: 20388
Invoice #: 30485
Date: 4/1/2007
Open Invoice

Patient ID: 20388-1	Species: FELINE	Weight:
Patient Name: Binx	Breed: SIAMESE	Birthday: 03/30/1999 Sex: Neutered Male

	<u>Description</u>	<u>Staff Name</u>	<u>Quantity</u>	<u>Total</u>
3/30/2007	Examination - Transfer	Elizabeth McVey, DVM	1.00	\$60.00
3/30/2007	Catheter Cephalic/Saphenous		1.00	\$40.00
3/30/2007	IV Set up Fee		1.00	\$11.34
3/30/2007	Saline Solution .9%		1.00	\$22.00
3/30/2007	Hospitalization Level 1		1.00	\$35.00
3/30/2007	Pump Fee/ 12 hours		1.00	\$5.40
3/30/2007	Inj-Famotidine 10 mg/ml		0.35	\$22.00
3/30/2007	Vetlyte-Initial		1.00	\$22.00
3/30/2007	Serial Blood Glucose		1.00	\$10.00
3/30/2007	Insulin - Humulin-N		1.00	\$11.00
3/30/2007	Inj-Lasix/Furosemide 50mg/ml 100ml		0.30	\$28.00
3/30/2007	Ultrasound- Level I		1.00	\$40.00
3/31/2007	Inj-Lasix/Furosemide 50mg/ml 100ml	Melanie M. Mokos, DVM	0.60	\$14.00
3/31/2007	Inj-Lasix/Furosemide 50mg/ml 100ml		1.00	\$14.00
3/31/2007	CRI-Setup fee		1.00	\$9.75
3/31/2007	Serial Blood Glucose		3.00	\$30.00
3/31/2007	Insulin - Humulin R		2.00	\$22.00
3/31/2007	Pump Fee/ 12 hours		1.00	\$5.40
3/31/2007	Hospitalization Level 1		1.00	\$35.00
3/31/2007	Hospitalization Level 1	Stephanie Larson, DVM	1.00	\$35.00
3/31/2007	Pump Fee/ 12 hours		1.00	\$5.40
3/31/2007	Urinalysis (Complete)		1.00	\$32.00
3/31/2007	Catheter - Urinary/Feline Male		1.00	\$21.60
3/31/2007	Urinary Collector System		1.00	\$6.48
3/31/2007	Inj-Baytril 100 mg/ml		0.36	\$28.00
3/31/2007	Serial Blood Glucose		2.00	\$20.00
3/31/2007	Inj-Famotidine 10 mg/ml		0.35	\$11.00
3/31/2007	PCV (Packed Cell Volume)/T.P.		1.00	\$13.00
3/31/2007	Vetlyte-Multiple		1.00	\$14.00
4/1/2007	Hospitalization Level 1	Alicia M. Ragni, DVM	0.50	\$17.50
4/1/2007	Euthanasia of Pet		3.00	\$55.00
4/1/2007	Idexx-Histopath 1site #601		1.00	\$100.50
4/1/2007	Cremation Private Small	AEMC Hospital	1.00	\$165.00
	Patient Subtotal:			\$961.37

Our staff would like to offer our deepest sympathy on the loss of your pet.

Animal Emergency of McHenry County

1095 Pingree Road
Crystal Lake, IL 60014
(815) 479-9119

Page 2 / 2

Erik Tyndall
1537 Magnolia Dr.
Crystal Lake, IL 60014

Client ID: 20388
Invoice #: 30485
Date: 4/1/2007

Open Invoice

Invoice Total:	\$961.37
Total:	<u>\$961.37</u>
Balance Due:	\$961.37
Previous Balance:	<u>(\$375.00)</u>
Balance Due:	<u><u>\$586.37</u></u>

Our staff would like to offer our deepest sympathy on the loss of your pet.

Animal Emergency of McHenry County

1095 Pingree Road
 Crystal Lake, IL 60014
 (815) 479-9119

Page 1 / 1

Erik Tyndall
 1537 Magnolia Dr.
 Crystal Lake, IL 60014

Client ID: 20388
 Invoice #: 33408
 Date: 8/20/2007

Patient ID: 20388-1		Species: FELINE	Weight:	
Patient Name: Binx		Breed: SIAMESE	Birthday: 03/30/1999	Sex: Neutered Male
	Description	Staff Name	Quantity	Total
8/20/2007	Dr. Ensley Iowa Stae Food test	Alicia M. Ragni, DVM	1.00	\$200.00
8/20/2007	Owner requests AR/KS		1.00	\$0.00
8/20/2007	Service Charge		1.00	\$15.00
Patient Subtotal:				\$215.00
Invoice Total:				\$215.00
Total:				\$215.00
Balance Due:				\$215.00
Previous Balance:				\$0.00
Balance Due:				\$215.00
Visa:				(\$200.00)
Visa:				(\$15.00)
Less Payment:				(\$215.00)
Balance Due:				\$0.00

ANIMAL CARE CLINIC

Page 1 / 1

"CARING FOR PETS AND THEIR PEOPLE"

230 STONEGATE ROAD

ALGONQUIN, IL 60102

(847) 854-8387

Adria & Erik Tyndall
1537 Magnolia Drive
Crystal Lake, IL 60014

Client ID: 131845

Invoice #: 262131

Date: 4/2/2007

Patient ID: 131845-2	Species: FELINE	Weight:
Patient Name: Bastet	Breed: SIAMESE	Birthday: 01/19/1999 Sex: Spay

	<u>Description</u>	<u>Staff Name</u>	<u>Quantity</u>	<u>Total</u>
4/2/2007	PRE ANESTHETIC BLOOD SCREEN I	SHARON M. PAYNE, DVM	1.00	\$58.00
4/2/2007	ELECTROLYTES (IN-HOUSE)		1.00	\$23.00
4/2/2007	HOSPITALIZATION (DAY)		1.00	\$44.00
4/2/2007	IV Catheter and IV Fluids, in Hospital		1.00	\$0.00
4/2/2007	FLUIDS INTRAVENOUS/LITER		1.00	\$20.00
4/2/2007	CATHETERIZATION IV		1.00	\$65.00
4/2/2007	IV SET-UP		1.00	\$18.75
4/2/2007	URINALYSIS		1.00	\$29.75
4/2/2007	YOUR RECEPTIONIST WAS LAURA F		1.00	\$0.00

Patient Subtotal: **\$258.50**

Invoice Total: **\$258.50**

Total: **\$258.50**

Invoice Balance Due: **\$258.50**

VISA: **(\$258.50)**

Less Payment: **(\$258.50)**

Invoice Balance Due: **\$0.00**

Balance Due: **\$0.00**

HEARTWORM & FLEA SEASON IS PRACTICALLY HERE! THAT'S RIGHT ... SPRING IS JUST AROUND THE CORNER AND THAT MEANS FLEAS AND MOSQUITOS THAT CARRY HEARTWORM DISEASE WON'T BE FAR BEHIND. "PREVENTION BEFORE INFESTATION" IS THE KEY. MAKE SURE YOUR PET'S HEARTWORM TEST IS UP-TO-DATE AND START HIM/HER ON PREVENTION " N O W "!

Animal Emergency of McHenry County

1095 Pingree Road
Crystal Lake, IL 60014
(815) 479-9119

Page 1 / 1

Erik Tyndall
1537 Magnolia Dr.
Crystal Lake, IL 60014

Client ID: 20388
Invoice #: 30543
Date: 4/3/2007

Patient ID: 20388-2		Species: FELINE	Weight: 12.00 pounds	
Patient Name: Bastet		Breed: SIAMESE	Birthday: 01/19/1999	Sex: Spayed Female
	Description	Staff Name	Quantity	Total
4/2/2007	Examination - Transfer	Alicia M. Ragni, DVM	1.00	\$60.00
4/2/2007	Hospitalization Level 1	Elizabeth McVey, DVM	1.00	\$35.00
4/2/2007	Pump Fee/ 12 hours		1.00	\$5.40
4/3/2007	Hospitalization Level 1	Mike Hochman, DVM	1.00	\$35.00
4/3/2007	Pump Fee/ 12 hours		1.00	\$5.40
4/3/2007	PCV (Packed Cell Volume)/T.P.		1.00	\$13.00
4/3/2007	Creatinine- Vet-Test		1.00	\$12.00
4/3/2007	Vettyte-Initial		1.00	\$22.00
4/3/2007	Potassium Chloride 20 MEQ 10 mL		1.00	\$5.50
Patient Subtotal:				\$193.30

Instructions

Monitor attitude, appetite, elimination and for any vomiting. Call rDVM on Wednesday to update and discuss follow up — recommended recheck kidney values within a few days. Call immediately with any concerns.

Invoice Total:	\$193.30
Total:	\$193.30
Balance Due:	\$193.30
Previous Balance:	(\$200.00)
Balance Due:	<u><u>(\$6.70)</u></u>

ANIMAL CARE CLINIC

"CARING FOR PETS AND THEIR PEOPLE"
 230 STONEGATE ROAD
 ALGONQUIN, IL 60102
 (847) 854-8387

Page 1 / 1

Adria & Erik Tyndall
 1537 Magnolia Drive
 Crystal Lake, IL 60014

Client ID: 131845

Invoice #: 262616

Date: 4/7/2007

Patient ID: 131845-2		Species: FELINE	Weight:	
Patient Name: Bastet		Breed: SIAMESE	Birthday: 01/19/1999	Sex: Spay
<u>Description</u>	<u>Staff Name</u>	<u>Quantity</u>	<u>Total</u>	
4/7/2007 VET TEST	PAUL A. BIERLEIN, DVM	1.00	\$27.75	
4/7/2007 ADDITIONAL VET TEST		1.00	\$19.65	
4/7/2007 C-PINK COUPON-\$10 OFF VISIT		-1.00	(\$10.00)	
4/7/2007 YOUR RECEPTIONIST WAS DONNA K		1.00	\$0.00	
Patient Subtotal:			\$37.40	
Invoice Total:			\$37.40	
Total:			\$37.40	
Balance Due:			\$37.40	
Previous Balance:			\$0.00	
Balance Due:			\$37.40	
VISA:			(\$37.40)	
Less Payment:			(\$37.40)	
Balance Due:			\$0.00	

HEARTWORM & FLEA SEASON IS PRACTICALLY HERE! THAT'S RIGHT ... SPRING IS JUST AROUND THE CORNER AND THAT MEANS FLEAS AND MOSQUITOS THAT CARRY HEARTWORM DISEASE WON'T BE FAR BEHIND. "PREVENTION BEFORE INFESTATION" IS THE KEY. MAKE SURE YOUR PET'S HEARTWORM TEST IS UP-TO-DATE AND START HIM/HER ON PREVENTION " N O W "!

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ALGONQUIN, IL 60102

(847) 854-8387

Adria & Erik Tyndall
1537 Magnolia Drive
Crystal Lake, IL 60014

Client ID: 131845

Invoice #: 264511

Date: 5/2/2007

Patient ID: 131845-2		Species: FELINE	Weight:	
Patient Name: Bastet		Breed: SIAMESE	Birthday: 01/19/1999	
			Sex: Spay	
	Description	Staff Name	Quantity	Total
1/2/2007	VET TEST	SHARON M. PAYNE, DVM	1.00	\$27.75
1/2/2007	ADDITIONAL VET TEST		1.00	\$19.65
1/2/2007	YOUR RECEPTIONIST WAS DONNA K		1.00	\$0.00
Patient Subtotal:				\$47.40

Patient ID: 131845-3		Species: FELINE	Weight: 1.60 pounds	
Patient Name: Frankie		Breed: SIAMESE	Birthday: 02/26/2007	
			Sex: Female	
	Description	Staff Name	Quantity	Total
1/20/2007	CLAVAMOX DROPS	PAUL A. BIERLEIN, DVM	1.00	\$22.50
1/20/2007	TORBUTROL 1 MG		2.00	\$10.50
1/2/2007	FVRCP FELINE KITTEN (3WI)	SHARON M. PAYNE, DVM	1.00	\$0.00
1/2/2007	1ST DEWORMING (2WI)		1.00	\$0.00
1/2/2007	FELINE LEUKEMIA/FIV TEST		1.00	\$0.00
1/2/2007	KITTEN HEALTH PKG 9-11 W/FL		1.00	\$209.80
1/2/2007	YOUR RECEPTIONIST WAS DONNA K		1.00	\$0.00
Patient Subtotal:				\$242.80

Instructions

LAVAMOX: THIS MEDICATION IS AN ANTIBIOTIC. USE IT AS PRESCRIBED ON THE LABEL. OCCASIONALLY, A PET THAT IS SENSITIVE TO AN ANTIBIOTIC MAY SHOW SOME SIDE EFFECTS, INCLUDING VOMITING, LOOSE STOOLS, LOSS OF APPETITE, OR A RASH. SHOULD ANY OF THESE OCCUR, STOP THE MEDICATION AND CALL THE HOSPITAL.

Reminder

5/16/2007 FECAL EXAMINATION (FLOTATION)
5/16/2007 2ND DEWORMING (NO "R")
5/23/2007 FVRCP FELINE KITTEN (3WI)

Invoice Total:	\$290.20
Total:	\$290.20
Balance Due:	\$290.20
Previous Balance:	\$0.00
Balance Due:	\$290.20
VISA:	(\$290.20)
Less Payment:	(\$290.20)
Balance Due:	\$0.00

HEARTWORM & FLEA SEASON IS PRACTICALLY HERE! THAT'S RIGHT ... SPRING IS JUST AROUND THE CORNER AND THAT MEANS FLEAS AND MOSQUITOS THAT CARRY HEARTWORM DISEASE WON'T BE FAR BEHIND. "PREVENTION BEFORE INFESTATION" IS THE KEY. MAKE SURE YOUR PET'S HEARTWORM TEST IS UP-TO-DATE AND START HIM/HER ON PREVENTION "NOW"!

ANIMAL CARE CLINIC

"CARING FOR PETS AND THEIR PEOPLE"

230 STONEGATE ROAD

ALGONQUIN, IL 60102

(847) 854-8387

Page 1 / 1

Adria & Erik Tyndall
1537 Magnolia Drive
Crystal Lake, IL 60014

Client ID: 131845
Invoice #: 266174
Date: 5/23/2007

Patient ID: 131845-2	Species: FELINE	Weight:		
Patient Name: Bastet	Breed: SIAMESE	Birthday: 01/19/1999	Sex: Spay	
Description	Staff Name	Quantity	Total	
12/23/2007 LACTATED RINGER 1 LITER	SHARON M. PAYNE, DVM	2.00	\$29.50	
12/23/2007 VENOSET		1.00	\$14.50	
12/23/2007 NEEDLES/SYRINGES		10.00	\$5.80	
Patient Subtotal:			\$49.80	

Patient ID: 131845-3	Species: FELINE	Weight: 1.60 pounds		
Patient Name: Frankie	Breed: SIAMESE	Birthday: 02/26/2007	Sex: Female	
Description	Staff Name	Quantity	Total	
12/23/2007 FVRCP FELINE KITTEN (3WI)	SHARON M. PAYNE, DVM	1.00	\$0.00	
12/23/2007 FECAL EXAMINATION (FLOTATION)		1.00	\$0.00	
12/23/2007 2ND DEWORMING (NO 'R')		1.00	\$0.00	
Patient Subtotal:			\$0.00	

Reminder

6/13/2007 FVRCP FELINE KITTEN (3WI)
5/23/2008 FECAL EXAMINATION (FLOTATION)

Invoice Total:	\$49.80
Total:	\$49.80
Balance Due:	\$49.80
Previous Balance:	\$0.00
Balance Due:	\$49.80
VISA:	(\$49.80)
Less Payment:	(\$49.80)
Balance Due:	\$0.00

HEARTWORM & FLEA SEASON IS PRACTICALLY HERE! THAT'S RIGHT ... SPRING IS JUST AROUND THE CORNER AND THAT MEANS FLEAS AND MOSQUITOS THAT CARRY HEARTWORM DISEASE WON'T BE FAR BEHIND. "PREVENTION BEFORE INFESTATION" IS THE KEY. MAKE SURE YOUR PET'S HEARTWORM TEST IS UP-TO-DATE AND START HIM/HER ON PREVENTION "NOW"!

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"CARING FOR PETS AND THEIR PEOPLE"
230 STONEGATE ROAD
ALGONQUIN, IL 60102
(847) 854-8387

Page 1 / 1

& Erik Tyndall
Magnolia Drive
Stal Lake, IL 60014

Client ID: 131845
Invoice #: 267863
Date: 6/13/2007

Patient ID: 131845-2		Species: FELINE	Weight:		
Patient Name: Bastet		Breed: SIAMESE	Birthday: 01/19/1999	Sex: Spay	
Description	Staff Name	Quantity	Total		
6/13/2007 VET TEST	SHARON M. PAYNE, DVM	1.00	\$27.75		
6/13/2007 ADDITIONAL VET TEST		1.00	\$19.65		
Patient Subtotal:			\$47.40		
Patient ID: 131845-3		Species: FELINE	Weight: 1.60 pounds		
Patient Name: Frankie		Breed: SIAMESE	Birthday: 02/26/2007	Sex: Female	
Description	Staff Name	Quantity	Total		
6/13/2007 RABIES CANINE 1 YEAR BOOSTER	SHARON M. PAYNE, DVM	1.00	\$0.00		
6/13/2007 FVRCP FELINE ADULT BSTR. (12M)		1.00	\$0.00		
6/13/2007 FECAL EXAMINATION (FLOTATION)		1.00	\$0.00		
6/13/2007 YOUR RECEPTIONIST IS STEPHANIE		1.00	\$0.00		
Patient Subtotal:			\$0.00		

Instructions

LOCAL COUNTY ORDINANCE STATES YOU MUST PURCHASE A RABIES TAG FOR YOUR PET ON THE
ACTUAL DATE OF VACCINATION OR A FINE MAY BE IMPOSED.

Reminder

6/13/2008 FVRCP FELINE ADULT BSTR. (12M)
6/13/2008 RABIES CANINE 1 YEAR BOOSTER
6/13/2008 FECAL EXAMINATION (FLOTATION)

Invoice Total:	\$47.40
Total:	\$47.40
Balance Due:	\$47.40
Previous Balance:	\$0.00
Balance Due:	\$47.40
VISA:	(\$47.40)
Less Payment:	(\$47.40)
Balance Due:	\$0.00

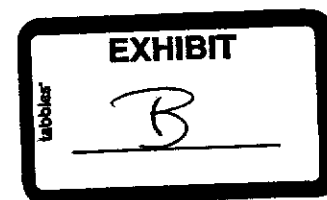
HEARTWORM & FLEA SEASON IS PRACTICALLY HERE! THAT'S RIGHT ... SPRING IS
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CARRY HEARTWORM DISEASE WON'T BE FAR BEHIND. "PREVENTION BEFORE
INFESTATION" IS THE KEY. MAKE SURE YOUR PET'S HEARTWORM TEST IS
UP-TO-DATE AND START HIM/HER ON PREVENTION "NOW"!

Accession: 2007012335

Veterinary Diagnostic Laboratory

Iowa State University
College of Veterinary Medicine
Ames, Iowa 50011-1250
Phone: 515-294-1950
Fax: 515-294-3564

Supplemental Report
Report Date: 10/4/2007



Dr Alicia Ragni
Animal Emerg of McHenry
1095 Pingree Rd Suite 120

Owner: Tyndall, Erik
1537 Magnolia DR
Crystal Lake, IL 60014

Crystal Lake, IL 60014

Reference: PFR -
Diagnostician: Steven Ensley

Client Phone: 1-815-479-9119
Client Fax: 1-847-854-9119
Client Account#: 401366
Date Received: 4/9/2007
Preliminary Report: 4/24/2007, 5/11/2007

Species: Feline
Breed: Siamese
Sex: Castrate
Previous Case:

Age: 8 Years
Weight: 16 Pounds
Received:
Fr/fxd Tissue, Urine, Feed

PRELIMINARY REPORT**History:**

An 8-year-old neutered Siamese male weighing approximately 16 pounds. Vomiting/lethargy. Cat has been a diabetic and has been on 4 units of Lantus BID. Cat acutely ill Thursday. BUN was 108, creat =10. Urine sediment initially was inactive, later was full of amorphous crystals and pet progressed to an oliguric state. Owner did not wish to pursue dialysis. (AR)

Gross Pathology:

Renomegaly, hepatomegaly ascites. (AR)

Histopathology:

Multifocal mild lymphoplasmacytic to suppurative interstitial nephritis and tubulonephritis with low numbers of intralumenal oxalate-like and yellow-brown crystals associated with tubular necrosis and attenuation was apparent. Eosinophilic hyaline casts were noted in focal renal tubules. Diffuse hepatocellular vacuolar change with cholestasis, characterized by bile plugs in canaliculi, focal bile granuloma formation, and yellow-brown pigment within hepatocytes was noted. (VC, PGH)

Comment:

Histopathology, in conjunction with clinical pathology, is compatible with acute renal damage. Microscopic changes in the renal tubules in this instance have characteristics associated with nephrotoxic compounds which could include but are not limited to: ethylene glycol, aminoglycosides, tetracyclines, heavy metals, certain mycotoxins and others. Additional testing and screening remains in progress.

Lesions are consistent with toxic nephrosis. There was also evidence of mild hepatic lipidosis and bile stasis. (4/11/07 sme/na)

The Federal Drug Administration (FDA) has identified melamine as a marker for the suspected toxin in pet food that has been recalled. FDA has also identified cyanuric acid, ammelide and ameline in recalled pet food. It is thought that melamine and cyanuric acid have to be present together in pet food to cause kidney toxicity in animals. The laboratory can perform qualitative analysis of pet food for melamine. The cost is \$200.00 for each sample and the turnaround time will be approximately 2 weeks. If you want analysis of the pet food that has been submitted to our laboratory please call me at 515-294-1950 or fax me your request at 515-294-6961. If a request is not received, no analysis will be performed.

SUPPLEMENTAL REPORT

Analysis of the dry pellet cat food revealed the presence of melamine, cyanuric acid, ammelide and ameline. (9/14/07 sme/clm)

ADDENDUM

In my opinion the microscopic lesions observed and the presence of melamine and cyanuric acid in the dry cat feed leads me to the conclusion that this animal died consuming these contaminants. (10/3/07 sme/clm)

Case 1:08-cv-02427
11/12/2007 MON 09:04 FAX 5152948881Document 1-2
ISU-VDL SUBM

Filed 04/28/2008 Page 34 of 64

0003

Accession: 2007012335

Steve Ensley, D.V.M., Ph.D.
Veterinary Diagnostician

<u>Test Ordered</u>	<u>Laboratory Result(s)</u> <u>Order Date</u>	<u>Current Status</u> <u>Result Released</u>	<u>Complete Date</u>
Custom Chemistry	8/26/2007	Result Released	8/26/2007
Comments	10/3/2007	Result Released	10/3/2007
No Test	6/28/2007	Result Released	6/28/2007
Hematoxylin and Eosin Slides	4/9/2007	Result Released	4/9/2007

Histopathology

Hematoxylin and Eosin Slides

<u>Animal ID</u>	<u>Specimen</u>	<u>Slides</u>	<u>Comments</u>
Pet Food Recall	Assorted	1	

Toxicology

Custom Chemistry

<u>Identification</u>	<u>Specimen</u>	<u>Analysis</u>
Pet Food Recall	Feed	Confirmed by GC/MS for Melamine
Pet Food Recall	Feed	Confirmed by GC/MS for Ammeline
Pet Food Recall	Feed	Confirmed by GC/MS for Ammelide
Pet Food Recall	Feed	Confirmed by GC/MS for Cyanuric acid

Coordination

Comments

See Additional Comments

OWNER'S LAST NAME: Tyndall PET'S NAME: Binx

NEW CLIENT CARD SENT _____ COUPON _____

DATE/WEIGHT/ CK-IN INITIALS	EXAMINATION/TREATMENT	AMOUNT PAID (DUE/CREDIT)
01/13/07 Cat	feline anorexia has been very obese - now losing wt rapidly - drinking a lot water eating - but not as much as (N)	

(1) GENERAL APPEARANCE <input checked="" type="checkbox"/> Normal <input type="checkbox"/> Abnormal <input type="checkbox"/> No Exam	(2) INTEGUMENTARY <input checked="" type="checkbox"/> Normal <input type="checkbox"/> Abnormal <input type="checkbox"/> No Exam	(3) MUSCULO- SKELETAL <input checked="" type="checkbox"/> Normal <input type="checkbox"/> Abnormal <input type="checkbox"/> No Exam	(4) CIRCULATORY <input checked="" type="checkbox"/> Normal <input type="checkbox"/> Abnormal <input type="checkbox"/> No Exam
(5) RESPIRATORY <input checked="" type="checkbox"/> Normal <input type="checkbox"/> Abnormal <input type="checkbox"/> No Exam	(6) DIGESTIVE <input checked="" type="checkbox"/> Normal <input type="checkbox"/> Abnormal <input type="checkbox"/> No Exam	(7) GENITO- URINARY <input checked="" type="checkbox"/> Normal <input type="checkbox"/> Abnormal <input type="checkbox"/> No Exam	(8) EYES <input checked="" type="checkbox"/> Normal <input type="checkbox"/> Abnormal <input type="checkbox"/> No Exam
(9) EARS <input checked="" type="checkbox"/> Normal <input type="checkbox"/> Abnormal <input type="checkbox"/> No Exam	(10) NEURAL SYSTEMS <input checked="" type="checkbox"/> Normal <input type="checkbox"/> Abnormal <input type="checkbox"/> No Exam	(11) LYMPH NODES <input checked="" type="checkbox"/> Normal <input type="checkbox"/> Abnormal <input type="checkbox"/> No Exam	(12) MUCOUS MEMBRANES <input checked="" type="checkbox"/> Normal <input type="checkbox"/> Abnormal <input type="checkbox"/> No Exam
(13) DENTAL <input checked="" type="checkbox"/> Normal <input type="checkbox"/> Abnormal <input type="checkbox"/> No Exam	DESCRIBE ABNORMAL T 100 P _____ R _____ Wt 10.6 lb or _____ Scale _____ Est _____		

Di: Cat not eating as well.
Has lost 3# since 05-Per
Has been recently.

PE: Obese - but poor muscle
Tore over spine

13) Milk teeth

Seems st off maybe not as active?

Chem/CBC/T4/U/LA

CBC-OK T4-OK

Blood Hx
WBC 1-3
R/O Cysto indicated

R/O Diabetes / Open

1-1507 P.C. Spoke w/ Owner - Advised of results. Recd start Insulin
Script for 1) Humalog Insulin (probably start 2-3u BID)
2) Syringes
Recd DM or M.D. food.
O to get made and setup apt to start insulin

ANTECH DIAGNOSTICS 5701 W. 120th Street Alsip IL 60803 Phone: 800-745-4725

Animal Care Clinic
 2301 Stonegate Rd
 Algonquin, IL 60102
 Tel: 847-854-8387
 Fax: 847-854-2521

Client # 32087
 Chart # N

Accession No. CHBC11767150	Doctor PAUL	Owner TYNDALL	Pet Name BINX	Received 01/13/2007
Species Feline	Breed Domestic Short Hair	Sex SF	Pet Age 8Y	Reported 01/14/2007 03:11 AM

Test Requested	Results	Reference Range	Units
SUPERCHEM			
AST (SGOT)	29	10-100	IU/L
ALT (SGPT)	71	10-100	IU/L
Total Bilirubin	0.3	0.1-0.4	mg/dL
Alkaline Phosphatase	23	6-102	IU/L
GGT	2	1-10	IU/L
Total Protein	7.5	5.2-8.8	g/dL
Albumin	3.6	2.5-3.9	g/dL
Globulin	3.9	2.3-5.3	g/dL
A/G Ratio	0.9	0.35-1.5	
Cholesterol	226 (HIGH)	75-220	mg/dL
BUN	17	14-36	mg/dL
Creatinine	1.3	0.6-2.4	mg/dL
BUN/Creatinine Ratio	13	4-33	
Phosphorus	4.0	2.4-8.2	mg/dL
Calcium	10.2	8.2-10.8	mg/dL
Glucose	446 (HIGH)	64-170	mg/dL

The glucose concentration in this cat is >170 mg/dl. A fructosamine level may be helpful in differentiating stress hyperglycemia from early or sub-clinical diabetes mellitus. If you would like to add on this test please call Customer Service at 800-745-4725. Please use test code 16345 for this additional testing.

Amylase	837	100-1200	IU/L
Lipase	39	0-205	IU/L
Sodium	154	145-158	mEq/L
Potassium	4.9	3.4-5.6	mEq/L
Na/K Ratio	31 (LOW)	32-41	
Chloride	110	104-128	mEq/L
CPK	56	56-529	IU/L
Triglyceride	129	25-160	mg/dL
Magnesium	1.6	1.5-2.5	mEq/L

The previously reported result was due to a data entry error.

COMPLETE BLOOD COUNT

WBC	7.4	3.5-16.0	10 ³ /μL
RBC	9.9	5.92-9.93	10 ⁶ /μL
HGB	12.5	9.3-15.9	g/dL
HCT	40	29-48	%
MCV	41	37-61	fL
MCH	12.7	11-21	pg
MCHC	31	30-38	%
Comment			

Accession No. CHBC11767150	Doctor PAUL	Owner TYNDALL	Pet Name BINX	
Test Requested	Results	Reference Range	Units	
RBC MORPHOLOGY	NORMAL			
Differential	Absolute	%		
Neutrophils	4292	58	2500-8500	/μL
Lymphocytes	2220	30	1200-8000	/μL
Monocytes	222	3	0-600	/μL
Eosinophils	666	9	0-1000	/μL
Basophils	0	0	0-150	/μL
Platelet Estimate	Adequate			
Platelet clumps are present. Platelet clumping is a common in-vitro phenomenon and prevents accurate automated or manual platelet counting. The platelet estimate is the best indicator of the adequacy of platelet numbers. Any reported platelet count indicates only the minimum platelet number.				
T4				
T4	0.88	0.8-4.0		μg/dL
URINALYSIS (COMPLETE)				
Color	Yellow			
Appearance	Slightly Cloudy			
Specific Gravity	1.047	1.015-1.060		
pH	5.5	5.5-7.0		
Protein	Negative	Negative		
Glucose-Strip	3+ (HIGH)	Negative		
Verified by SSA test				
Ketones	Negative	Negative		
Bilirubin	Negative	Negative		
Occult Blood	3+ (HIGH)	Negative		
WBC/HPF	1-3	0-3		
RBC/HPF	51-100 (HIGH)	0-3		
Casts/LPF	None Observed	Hyaline 0-3		
Crystals/HPF	None Observed			
Bacteria	None Observed	None Observed		
Transitional Epithelia/HPF	None Observed	None - Rare		
Squamous Epithelia/HPF	None Observed	None - Few		
Renal Epithelia/HPF	None Observed	None - Rare		

OWNER'S LAST NAME: <u>TYNDALL</u>		PET'S NAME: <u>BINX</u>	
NEW CLIENT CARD SENT		COUPON	
DATE/WEIGHT/ CK-IN INITIALS	EXAMINATION/TREATMENT	AMOUNT PAID (DUE/CREDIT)	
1-17-07 JP	- diabetes - learn how to do insulin + monitor with glucose curves		
16 #302	rec 2 units glargine BID 12-50 pm - gave 2 units. rpt at 10 pm tonight, then change gradually to 8 am + 8 pm rec change over to m/d cans, + 2 daily) plus dry if needed.		
(S)	Revisit 1wk for glucose curve.		
1/24/07 TK	drop off - glucose curve. - 8:45 - 427 - give 2 units insulin <input checked="" type="checkbox"/> lentos - offered 1/3 can m/d + dry <input checked="" type="checkbox"/>		
(S)			
16 #602	9:45 - 447 11 439 12:30 - 415 + 2 units 3 - 4:30 - 425 m/d +		
	v. stressed in clinic + had to be hand fed, so glucose may be artificially elevated. o does report improvement in PUPD + general attitude. Plan: keep on same dose of insulin lentos (2 units BID) + continue on m/d canned + dry. Unless any ↑ in PUPD or V+ or decreased A+ then recheck in 2 wks with doctor - check weight + spot glucose check. May also discuss doing at home glucose tests.		

230 Stonegate Road
Algonquin IL 60102

(847) 854-8387 (815) 356-8387

FAX # (847) 854-6614

OWNER'S LAST NAME: Tyndall PET'S NAME: Binx
NEW CLIENT CARD SENT COUPON

DATE/WEIGHT/ CK-IN INITIALS	EXAMINATION/TREATMENT	AMOUNT PAID (DUE/CREDIT)
--------------------------------	-----------------------	-----------------------------

1-10-07	Cat to come in 2-10-07 for HPI B6 - before vet + insulin (Spoke w/ Dr.)	(PB)
---------	---	------

2/10/07 VS	BW Single glucose test last insulin 6:00pm on 2/9/07 2 units Not eaten, No insulin	
---------------	--	--

16# 15a	B6 = 334 (64-170) Plan - ↑ to 3u BID	(PB)
---------	---	------

	Recheck HPI B6 ~ 2 wks.	
--	-------------------------	--

--	--	--

3-1-07 HPI	Recheck blood insulin B6 = 255 (64-170)	Doing well taking OK.
---------------	--	--------------------------

17#	Currently on 3u BID	
-----	---------------------	--

	Plan - ↑ to 4u BID Recheck ~ 2 wks.	
--	--	--

	Recheck lymphatics - Costco	(PB)
--	-----------------------------	------

3-20-07 HPI	Vomiting, lethargy, Binx is a diabetic and hasn't eaten since 3/29	
----------------	---	--

	NO INSULIN LAST NIGHT + TODAY = NOT EATING	
--	---	--

	Seemed fine yesterday HPI (w) Did vomit yesterday seemed lethargic. 4 or 5 times vomit overnight and today Not eating last 24 hrs. No insulin given last 24 hrs.	
--	---	--

(1) GENERAL APPEARANCE	(2) INTEGUMENTARY	(3) MUSCULO- SKELETAL	(4) CIRCULATORY
___ Normal	___ Normal	___ Normal	___ Normal
___ Abnormal	___ Abnormal	___ Abnormal	___ Abnormal
___ No Exam	___ No Exam	___ No Exam	___ No Exam
(5) RESPIRATORY	(6) DIGESTIVE	(7) GENITO- URINARY	(8) EYES
___ Normal	___ Normal	___ Normal	___ Normal
___ Abnormal	___ Abnormal	___ Abnormal	___ Abnormal
___ No Exam	___ No Exam	___ No Exam	___ No Exam
(9) EARS	(10) NEURAL SYSTEMS	(11) LYMPH NODES	(12) MUCCOUS MEMBRANES
___ Normal	___ Normal	___ Normal	___ Normal
___ Abnormal	___ Abnormal	___ Abnormal	___ Abnormal
___ No Exam	___ No Exam	___ No Exam	___ No Exam
(13) DENTAL	DESCRIBE ABNORMAL		
___ Normal	98.2 16# 7oz		

OWNER'S LAST NAME: Tyndall

PET'S NAME: Binx

NEW CLIENT CARD SENT

COUPON

DATE/WEIGHT/ CK-IN INITIALS	EXAMINATION/TREATMENT	AMOUNT PAID (DUE/CREDIT)
3-30-07	PE: SL dehydrated BENT-OK M/M-Pink H+LOK abd - NSF Plan: Chem/CBZ/ Cysto u/A Chem BUN = 108 Creat = 10.0 Phos = 13 URO Neg BLOOD ++ BIL Neg CBZ -OK U/A PROT +2 KET Neg SP GRA 1.032 PH 6 GU +4 SED 100-200 RBC/Hx R/O Renal Dz / Pyelonephritis u/A - Culture R/O Renal Dz - M/D on Recall List. Transfer to ER for Hosp / IV fluids Insulin TX PB	
4-2-07	Mrs. Tyndall called to make appt for other cat for bloodwork and then stated Binx has passed away on Sunday 4-1-07. HILLS CASE # 100125156 VET CONSULT service Call with lab results @ 1-800-548-8387	
4-5-07	Card sent Spoke w/ O - OK to release records to Hills - Veterinary Consultation Service	
5-11-07	Spoke w/ Dr. Ensley at Iowa State Univ. - Discussed	

Animal Care Clinic
230 Stonegate Rd.
Algonquin, IL 60102
(847) 854-8387

Species : Ger Feline >8yr
Patient : BINX
Client : TYNDALL

Ver: 8.10A

Date : 30-Mar -2007 05:25PM

Test	Results	Reference Range	Indicator		
			LOW	NORMAL	HIGH
LB	= 2.5 g/dl	2.3 - 3.9			
LKP	= 39 U/L	14 - 111			
LT	= 123 U/L	12 - 130			
MYL	= 1003 U/L	500 - 1500			
UN	= 108 mg/dl	16 - 36			
a	= 7.8 mg/dl	7.8 - 11.3			
HOL	= 211 mg/dl	65 - 225			
REA	= 10.0 mg/dl	0.8 - 2.4			
LU	> 686 mg/dl	71 - 159			
HOS	= 13.0 mg/dl	3.1 - 7.5			
BIL	= 0.7 mg/dl	0.0 - 0.9			
P	= 6.3 g/dl	5.7 - 8.9			
LOB	= 3.8 g/dl	2.8 - 5.1			
a	= 138 mmol/l	150 - 165			
	= 7.3 mmol/l	3.5 - 5.8			
l	= 103 mmol/l	112 - 129			

RESULTS

Case 1:08-cv-02427 Document 1-2 Filed 04/28/2008 Page 42 of 64

TIME:16:05

TE:03/30/2007

: 131845.1

J.# : 8

F

ARTUP PASSED

F Flags : SCH MIC

1	:	15.6	103/mm3	<	5.5	-	19.5	>	MCV	:	35	L	f1	<	39	-	50	>
2	:	8.45	106/mm3	<	5.00	-	11.00	>	MCH	:	13.3	pg	<	12.5	-	17.5	>	
3	:	11.3	g/dl	<	8.0	-	15.0	>	MCHC	:	38.1	H	g/dl	<	30.0	-	36.0	>
4	:	29.6	%	<	25.0	-	45.0	>	RDW	:	14.7	%	<	13.0	-	17.0	>	
5	:	----	D 103/mm3	<	200	-	500	>	MPV	:	----	D	f1	<	6.5	-	15.0	>

J Flags : AG1

FF	:																	
FM	:	11.4	%	<	0.0	-	100.0	>	#LYM	:	1.7	L	103/mm3	<	1.8	-	6.5	>
DN	:	3.2	%	<	0.0	-	100.0	>	#MON	:	0.5	103/mm3	<	0.2	-	0.8	>	
RA	:	85.4	%	<	0.0	-	100.0	>	#GRA	:	13.4	H	103/mm3	<	2.8	-	13.0	>

ANTECH DIAGNOSTICS 5701 W. 120th Street Alsip IL 60803 Phone: 800-745-4725

Animal Care Clinic
2301 Stonegate Rd
Algonquin, IL 60102
Tel: 847-854-8387
Fax: 847-854-2521

Client # 32087
Chart #

Accession No. CHBC13797345
Doctor BIERLEIN

Owner
TYNDALL

Pet Name
BINX

Received
03/30/2007

Species Breed
Feline Siamese

Sex
CM

Pet Age
8Y

Reported
04/03/2007 01:01 PM

Test Requested	Results	Reference Range	Units
CULTURE & MIC (URINE)			
Source	Urine		
Preliminary #1	04/01/2007		
NO GROWTH ON SOLID MEDIA IN 24 HRS.			
Preliminary #2	04/02/2007		
NO GROWTH ON SOLID MEDIA IN 48 HRS.			
Final Report	04/03/2007		
NO GROWTH ON SOLID MEDIA IN 72 HRS.			

Animal Emergency of McHenry County
1095 Pingree Road
Crystal Lake, IL 60014

Client: Erik Tyndall
1537 Magnolia Dr.
Crystal Lake, IL 60014

(815)477-4191
(815)428-5615

Patient: Name: **Binx** Species: FELINE Breed: SIAMESE
Sex: Neutered Male Color: Lilac Point DOB: 3/30/1999

Referring Hospital: Animal Care Clinic of Fox Valley
Referring Fax: (847) 854-8614

EMERGENCY VISIT SUMMARY

4/1/2007
Time: 6:30 p.m. 3/30/2007
Initials: Elizabeth McVey, DVM/cao

Current Weight 0

TEMP: 98.7 HR: 160 PULSE: Normal RESP: 28
CRT: MM: Pink MENTATION: BAR

PRESENTING COMPLAINT: ARF, transfer from RDVM

HISTORY: Seen by RDVM today for vomiting / lethargy. Cat is a diabetic and has been on 4 U Lantus insulin bid. Blood panel today showed ARF - BUN = 108, Creat = 10.0, K+ = 7.3. Urinalysis - sediment no active, no ketones or crystals seen. Cat has been on M/D dry diet which is now recalled.

PHYSICAL EXAM: QAR, moderately dehydrated, pink, CRT < 2s. EENT: Siamese nystagmus. PLNs: WNL H/L: HR = 160, regular, no murmur, strong pulses, lungs clear. ABD: Small bladder. Kidneys round and symmetrical, mildly painful on palpation of kidneys. MSI: BCS 7/9, good coat, ambulatory X 4.

DIFFERENTIAL DIAGNOSES/RULE OUT: ARF

IN-HOSPITAL TREATMENT: IV cephalic catheter placed. Saline 100cc IV over 30 minutes, then continued at 36ml/hr. Cat quiet overnight. No vomiting. BG at 6am = "hi" on glucometer. Gave 3 U NPH SQ. Cat did not produce urine overnight. Brief ultrasound of abdomen: bladder small. Kidneys both had dilated renal pelvises. Lytes: K+ = 7.9. Weight = 17# 4 oz (up from 16# on admission). Gave lasix 15mg IV to stimulate urine production. Updated owner - if cat does not produce urine by afternoon; prognosis grave. Sat Day (3/31 MM) - not producing urine. 10:00 A.M. - repeated lasix 30mg IV. No urine production. Gave owner option of transfer to Vet Specialty for consultation with Dr. Thornhill. Dialysis may be required. After much discussion, owners decided not to pursue that route. Owners will opt for euthanasia, but wife is out of town. Would like us to keep him comfortable until she can get back tomorrow. Had discussed using mannitol, but decided against it since he is overhydrated. 3:00 P.M. - started lasix CRI @ 0.3 ml/hr (2mg/kg/hr). Blood glucose high all day. 5:00 P.M. - regular insulin 2 units IM; 7:00 P.M. - BG - high; regular insulin 2 units IM. As of 7:00 P.M. - still oliguric. Depressed, but comfortable. Owners to bring Lantus insulin tonight. 3/31 overnight (sl) Depressed/dull thru night. Progressively becoming more dyspnic. Little urine production. Large amount of crystalline debris in urine sample from cystocentesis and very active sediment. Started Baytril 36mg IV SID. Placed 5fr red rubber urinary catheter on closed collection system to try to measure urine output. Very little output thru night. Spoke to both Mr and Mrs about poor prognosis. Discontinued fluid therapy at 3am. Has gained 2# since being admitted. Fluid overload. Owner doesn't want to take for dialysis. Will be in at 2pm for probable E/C. 4/1 day (AR) Remains tachypnic and oliguric to anuric. I advised at this point, it is "dialysis or quit" May ultimately end up needing a kidney transplant. O advise they will be in ~ 3 pm to euthanize. OK'd a renal tissue sample to be taken and sent to lab. 3 cc Fatal Plus IV. O witnessed, Prvt Cremation. Removed kidneys - submitted for histopath.

Animal Emergency Clinic of McHenry County
 1095 Pingree Road
 Crystal Lake, IL 60014

Client: Diox Patient: _____ Species: Feline Date: 3/31/07

Cytology

#1 Source: _____ Method of Collection: Cath. Urinary
 Findings: _____
 #2 Source: _____
 Tech: _____ Time: _____

Urinalysis

Method of Collection: Cysto Quantity: _____ Appearance: _____
 Specific Grav: 1.028 RBC: 20-20 epith Color: _____
 Protein: + WBC: 3-5 WBC Supernatant: _____
 PH: 6.0 Bacteria: ZAA/ACT/TTC Clear: _____
 Blood: + Crystals: none Red: _____
 Ketones: + Epith: _____ Other: _____
 Bilirubin: 0 Casts: occ. Hyaline
 Glucose: 0.00 Tech: CH/HV/SL Time: _____

Manual Blood Count

WBC: _____ PCV: _____ TP: _____
 RBC: _____ RBC est: _____ Plasma: _____
 Microfilaria: _____ Hemoglobin: _____ Hctwm: _____

Differential:

%	Absolute
Segs: _____	_____
Lymphs: _____	_____
Monos: _____	_____
Basos: _____	_____
Bands: _____	_____
Platelets: _____	_____
WBC	
Evaluation: _____	

RBC Morphology

Normocytic: _____	Normochromic: _____
Anisocytosis: _____	Anisochromasia: _____
Macrocytes: _____	Hypochromic: _____
Microcytes: _____	Poikilocytes: _____

Basophilic

Macrocytes: _____	Target Cells: _____
Howell Jolly: _____	Leptocytes: _____
Spherocytes: _____	Acanthocytes: _____
NRBC's: _____	Rouleaux: _____
Other: _____	

Tech: _____ Time: _____

ANIMAL EMERGENCY OF McHENRY COUNTY
1095 Piaggio Rd Suite 120
CRYSTAL LAKE, IL 60014

Patient: **BDX** Doctor:
Species: **Geriatric Feline**
Client: **ERIK** TYDA11. Client ID: **20388**

Chemistry

3/31/2007 9:59:29 PM

VetLytic

Na	148. mmol/L	LOW (150. - 165.)
K	6.1 mmol/L	HIGH (3.5 - 5.8)
Cl	123. mmol/L	(112 - 129.)



PCV 30 %
TP 6.8

ANIMAL EMERGENCY OF McHENRY COUNTY

1095 Pingree Rd Suite 120

CRYSTAL LAKE, IL 60014

Patient: BBNX

Doctor:

Species: Geriatric Feline

Client: ERIK

TYDALL

Client ID: 20313

Chemistry

3/31/2007 6:25:01 AM

VetLyc

Na 138. mmol/L LOW (150 - 165.)
K 7.9 mmol/L HIGH (3.5 - 5.8.)
Cl 110. mmol/L LOW (112 - 129.)

Accession: 2007012335

Veterinary Diagnostic Laboratory

Iowa State University
College of Veterinary Medicine
Ames, Iowa 50011-1250
Phone: 515-294-1950
Fax: 515-294-3564

Preliminary Report
Report Date: 5/11/2007

Dr. Alicia Ragni
Animal Emerg of McHenry
1095 Pingree Rd Suite 120

Owner: Erik Tyndall
1537 Magnolia DR
Crystal Lake, IL 60014

Crystal Lake, IL 60014

Reference: PFR -
Diagnostician: Steven Ensley

Client Phone: 1-815-479-9119
Client Fax: 1-847-854-9119
Client Account#: 401368
Date Received: 4/9/2007
Preliminary Report: 4/24/2007

Species: Feline
Breed: Siamese
Sex: Castrate
Previous Case:

Age: 8 Years
Weight: 16 Pounds
Received:
Fixed Tissue, Urine, Feed

PRELIMINARY REPORT

History:
8-year-old neutered Siamese male weighing approximately 16 pounds. Vomiting/lethargy. Cat has been a diabetic and has been on 4 units of Lantus BID. Cat acutely ill Thursday. BUN was 108, creat =10. Urine sediment initially was inactive, later was full of amorphous crystals and pet progressed to an oliguric state. Owner did not wish to pursue dialysis. (AR)

Gross Pathology:
Renomegaly, hepatomegaly ascites. (AR)

Histopathology:
Multifocal mild lymphoplasmacytic to suppurative interstitial nephritis and tubulonephritis with low numbers of intralesional oxalate-like and yellow-brown crystals associated with tubular necrosis and attenuation was apparent. Eosinophilic hyaline casts were noted in focal renal tubules. Diffuse hepatocellular vacuolar change with cholestasis, characterized by bile plugs in canaliculi, focal bile granuloma formation, and yellow-brown pigment within hepatocytes was noted. (VC, PGH)

Comment:
Histopathology, in conjunction with clinical pathology, is compatible with acute renal damage. Microscopic changes in the renal tubules in this instance have characteristics associated with nephrotoxic compounds which could include but are not limited to: ethylene glycol, aminoglycosides, tetracyclines, heavy metals, certain mycotoxins and others. Additional testing and screening remains in progress.

Lesions are consistent with toxic nephrosis. There was also evidence of mild hepatic lipidosis and bile stasis. (4/11/07 sme/na)

The Federal Drug Administration (FDA) has identified melamine as a marker for the suspected toxin in pet food that has been recalled. FDA has also identified cyanuric acid, ammeline and ameline in recalled pet food. It is thought that melamine and cyanuric acid have to be present together in pet food to cause kidney toxicity in animals. The laboratory can perform qualitative analysis of pet food for melamine. The cost is \$200.00 for each sample and the turn around time will be approximately 2 weeks. If you want analysis of the pet food that has been submitted to our laboratory please call me at 515-294-1950 or fax me your request at 515-294-6961. If a request is not received, no analysis will be performed.

Steve Ensley, Veterinary Diagnostician

Accession: 2007012335

<u>Test Ordered</u>	<u>Laboratory Result(s)</u>	<u>Current Status</u>	<u>Complete Date</u>
Hematoxylin and Eosin Slides	<u>Order Date</u> 4/9/2007	Result Released	4/9/2007

Histopathology

Hematoxylin and Eosin Slides

<u>Animal ID</u>	<u>Specimen</u>	<u>Slides</u>	<u>Comments</u>
Pet Food Recall	Assorted	1	

OWNER'S LAST NAME: Tyndall PET'S NAME: Baxter
 NEW CLIENT CARD SENT _____ COUPON _____

DATE/WEIGHT/ CK-IN INITIALS	EXAMINATION/TREATMENT	AMOUNT PAID (DUE/CREDIT)
--------------------------------	-----------------------	-----------------------------

5/14/07

Called @ 815-411-4491. Discussed
 fluid therapy.
 → Rec 200mls sub-q LRS twice a
 week
 Re BUN, CREA in 3-4 weeks.
 D. discussed not sure if needs
 Dr. life. life. would monitor
 may stop if values go down
 and stay down.
 Also discussed referral to
 Dr. Thornhill also

⑤

⑥

⑥

5/23/07

Show How to do Fluids.

12#502

200mls twice a week

Re BUN, CREA in 3-4 weeks
 Surer if problem

2 bags LRS
 10 needles

6-13-07

Recheck bloodwork
 #110 - difficult to give fluids to
 @ home.
 eating ok, drinking ok

BUN - 2.2, creat
 CREA - 2.1

Can be fluids once
 a week ✓
 describe it
 fluids very
 difficult.

Re for BUN, CREA
 in 3-4 weeks

⑦

(1) GENERAL APPEARANCE	(2) INTEGUMENTARY	(3) MUSCULO- SKELETAL	(4) CIRCULATORY
___ Normal	___ Normal	___ Normal	___ Normal
___ Abnormal	___ Abnormal	___ Abnormal	___ Abnormal
___ No Exam	___ No Exam	___ No Exam	___ No Exam
(5) RESPIRATORY	(6) DIGESTIVE	(7) GENITO- URINARY	(8) EYES
___ Normal	___ Normal	___ Normal	___ Normal
___ Abnormal	___ Abnormal	___ Abnormal	___ Abnormal
___ No Exam	___ No Exam	___ No Exam	___ No Exam
(9) EARS	(10) NEURAL SYSTEMS	(11) LYMPH NODES	(12) MUCOUS MEMBRANES
___ Normal	___ Normal	___ Normal	___ Normal
___ Abnormal	___ Abnormal	___ Abnormal	___ Abnormal
___ No Exam	___ No Exam	___ No Exam	___ No Exam
(13) DENTAL	DESCRIBE ABNORMAL		
___ Normal	T. _____ P. _____ R. _____ WT 12# 11/07		
___ Abnormal			
___ No Exam			
	Scale _____ Est _____		

Animal Emergency of McHenry County
1095 Pingree Road
Crystal Lake, IL 60014

Client: Erik Tyndall
1537 Magnolia Dr.
Crystal Lake, IL 60014

(815)477-4191
(815)426-6615

Patient Name: Bastet Species: FELINE Breed: SIAMESE
Sex: Spayed Female Color: DOB: 1/19/1999

Referring Hospital: Animal Care Clinic of Fox Valley
Referring Fax: (847) 854-6614

EMERGENCY VISIT SUMMARY

4/3/2007

Time: 4/2/07 at 4:20 pm
Initials: AEMC Hospital/ktw

Current Weight 12

TEMP: 100.2 HR: 230 PULSE: Normal RESP: 80
CRT: 1 MM: Pink MENTATION: QAR

PRESENTING COMPLAINT: Transfer from ACCFV

HISTORY: Was fed some Hill's m/d which was on the recall list as being one of the foods affected. Other cat who was a diabetic who developed ARF which progressed to an oliguric/anuric state and was euthanized over the weekend. This cat was checked at RDVM today and creat found to be elevated (3.4) IV fluids were started and pet transferred over here.

PHYSICAL EXAM: QAR. H/L WNL. Abd palp - moderately sized bladder, abdomen otherwise non-painful. BCS = 7/9. PLN's WNL.

IN-HOSPITAL TREATMENT: LRS @ 31 ml/hour. REcheck creat ~ noon tomorrow. O brought sci diet light to feed pet. 4/2/07 overnight (lmv): Stable. Good urine production. Cat very nervous in hospital; covered cage. No interest in food or water overnight. (MH) 4/3 day: QAR/shy with stable vitals. At 12noon: Creat=2.8; K=3.3; PCV=42%/TP=7.2. Add KCl 30mEq/L. Spoke with owner regarding bloodwork and her attitude in hospital. Owner consents to keeping her here until later tonight and then they plan to discharge and follow up with the RDVM within a few days.

INSTRUCTIONS TO CLIENT: Monitor attitude, appetite, elimination and for any vomiting. Call immediately with concerns. Call RDVM within 1-2 days to discuss follow up - recommend recheck kidney values within a few days.

ANIMAL EMERGENCY OF McHENRY COUNTY
 1095 Platte Rd. Suite 120
 CRYSTAL LAKE, IL 60014

Patient: **BASTET** Doctor: _____
 Species: **Generic Feline**
 Client: **ERIK TYDALL** Client ID: **20388**

Chemistry

4/3/2007 12:41:54 PM

VetTest

CREA 2.8 mg/dL HIGH (0.8 - 2.4)

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4/3/2007 12:34:48 PM

VetLytic

Na	157 mmol/L	(150 - 165)	<table border="1" style="display: inline-table; vertical-align: middle;"><tr><td> </td><td> </td><td> </td><td> </td></tr></table>				
K	3.3 mmol/L	LOW (3.5 - 5.8)	<table border="1" style="display: inline-table; vertical-align: middle;"><tr><td> </td><td> </td><td> </td><td> </td></tr></table>				
Cl	123 mmol/L	(112 - 129)	<table border="1" style="display: inline-table; vertical-align: middle;"><tr><td> </td><td> </td><td> </td><td> </td></tr></table>				

PCV = 42%
 TP = 7.2 g/dl
 Buffy = 1%

OWNER'S LAST NAME: Tyndall

PET'S NAME: ~~Basket~~ Bastet

NEW CLIENT CARD SENT

COUPON

DATE/WEIGHT/ CK-IN INITIALS	EXAMINATION/TREATMENT	AMOUNT PAID (DUE/CREDIT)
4/4/07	Spoke to Dr. Bastet history. Dr. will give carbidazole. Ref in 1-2 days of BUN, CREA (50)	
04/07/07 12# 11oz	Recheck bloodwork Doing OK, eating/drinking Cat doing well. Recheck BUN - 20 (16-36) Values OK Creat - 2.2 (1.8-2.4) Recheck 2-3 weeks. (PB)	
4-19-07	Spoke with Mike @ 800-548-8367 Setup UCS case # 100131341 Filed medical records to Dr. Harry Johnson (PB)	
5-2-07 12# 4oz 12# 5 1/2 oz	Recheck Kidney/Liver Values and Uric Acid RV FVRCP FELV FIP BORD FECAL JR WELLNESS SR WELLNESS BUN - 20 CREA - 2.6 H/G FRONTLINE COLOR REVOLUTION COLOR PE: NO palpable bladder Ref BUN/CREA in 3 weeks when ref liver Owner should also consider Sub Q LGS 200 ml twice a week in meantime to help discuss and let Dr. know.	

OWNER'S LAST NAME: Tyndall

PET'S NAME:

Baxter Bastet

NEW CLIENT CARD SENT

COUPON

DATE/WEIGHT/
CK-IN INITIALS

EXAMINATION/TREATMENT

AMOUNT PAID
(DUE/CREDIT)

4-207

SM

12#10a

Bloodwork - has been eating Celine m/d and other cat has just passed away this weekend on Sunday and owner is concerned because other cat did not show any symptoms. 5 days of illness.

PAT - Creat ↑ 3.4.

PE: EEU - 9 mm pink CRT (2 sec)
H/LD Abd. palpable. No palpable bladder with rx. So did not rx VIA

Rec hosp - IV fluids
and transfer to ER tonight
to monitor urine output.

Will check electrolytes and P

LES 31 ml/hr.

K⁺ - normal
P - normal

3pm VIA - on fluids since 12pm.

URO NEG BLOOD NEG BIL NEG

PROT ±30 KET NEG SP GRAV 1.043

PH 6 GLU NEG SED NSF -

no crystals

4pm - transfer to ER

4/3/07

Called ER. Producing urine. Re/BM Creat ordered 1pm.
Called ER. Can leave cat ER
if transfer here. Up to owner
Re values later today.

Animal Care Clinic
230 Stonegate Rd.
Algonquin, IL 60102
(847) 854-8387

Species : Adult Feline
Patient : BASTET
Client : TYNDALL

Ver: 8.11B

Date : 02-May -2007 09:12AM

Test	Results	Reference Range	Indicator		
			LOW	NORMAL	HIGH
BUN	= 20 mg/dl	16 - 36	<div></div>	<div></div>	<div></div>
CREA	= 2.6 mg/dl	0.8 - 2.4	<div></div>	<div></div>	<div></div>

Animal Care Clinic
230 Stonegate Rd.
Algonquin, IL 60102
(847) 854-8387

Species : Ger Feline >8yr
Patient : BASTET
Client : TYNDALL

Ver: 8.10A
Date : 07-Apr -2007 10:38AM

Test	Results	Reference Range	Indicator		
			LOW	NORMAL	HIGH
BUN	= 20 mg/dl	15 - 36	<div></div>	<div></div>	<div></div>
CREA	= 2.2 mg/dl	0.8 - 2.4	<div></div>	<div></div>	<div></div>

Animal Emergency of McHenry County
1095 Pingree Road
Crystal Lake, IL 60014

Client: Erik Tyndall
1537 Magnolia Dr.
Crystal Lake, IL 60014

(815)477-4191
(815)426-6615

Patient Name: **Bastet** Species: FELINE Breed: SIAMESE
Sex: Spayed Female Color: DOB: 1/19/1999

Referring Hospital: Animal Care Clinic of Fox Valley
Referring Fax: (847) 854-6614

EMERGENCY VISIT SUMMARY

4/3/2007

Time: 4/2/07 at 4:20 pm
Initials: AEMC Hospital/ktw

Current Weight 12

TEMP: 100.2 HR: 230 PULSE: Normal RESP: 80
CRT: 1 MM: Pink MENTATION: QAR

PRESENTING COMPLAINT: Transfer from ACCFV

HISTORY: Was fed some Hill's m/d which was on the recall list as being one of the foods affected. Other cat who was a diabetic who developed ARF which progressed to an oliguric/anuric state and was euthanized over the weekend. This cat was checked at RDVM today and creat found to be elevated (3.4) IV fluids were started and pet transferred over here.

PHYSICAL EXAM: QAR. H/L WNL. Abd palp - moderately sized bladder, abdomen otherwise non-painful. BCS = 7/9. PLN's WNL.

IN-HOSPITAL TREATMENT: LRS @ 31 ml/hour. REcheck creat ~ noon tomorrow. O brought sci diet light to feed pet. 4/2/07 overnight (Imv): Stable. Good urine production. Cat very nervous in hospital; covered cage. No interest in food or water overnight. (MH) 4/3 day: QAR/shy with stable vitals. At 12noon: Creat=2.8; K=3.3; PCV=42%/TP=7.2. Add KCl 30mEq/L. Spoke with owner regarding bloodwork and her attitude in hospital. Owner consents to keeping her here until later tonight and then they plan to discharge and follow up with the rDVM within a few days.

INSTRUCTIONS TO CLIENT: Monitor attitude, appetite, elimination and for any vomiting. Call immediately with concerns. Call rDVM within 1-2 days to discuss follow up - recommend recheck kidney values within a few days.

ANIMAL EMERGENCY OF McHENRY COUNTY

1095 Pingree Rd Suite 120

CRYSTAL LAKE, IL 60014

Patient: **BASTET**

Species: **Geriatric Feline**

Client: **ERIK**

TYDALL

Doctor:

Client ID: **20388**

Chemistry

4/3/2007 12:41:54 PM

CREA 2.8 mg/dL HIGH (0.8 - 2.4) VerTest

4/3/2007 12:34:48 PM

Na 157. mmol/L (150 - 165) VerLyte

K 3.3 mmol/L LOW (3.5 - 5.8)

Cl 123. mmol/L (112 - 129)

PCV = 42%

TP = 7.2 g/dl

Buffy = 1%

Animal Care Clinic
230 Stonegate Rd.
Algonquin, IL 60102
(847) 854-8387

Species : Ger Feline >8yr
Patient : BAFTET
Client : TYNDALL

Ver: 8.10A







Date : 02-Apr -2007 12:50PM

Test	Results	Reference Range	Indicator		
			LOW	NORMAL	HIGH
ALKP	= 24 U/L	14 - 111			
ALT	= 44 U/L	12 - 130			
BUN	= 28 mg/dl	16 - 36			
CREA	= 3.4 mg/dl	0.8 - 2.4			
GLU	= 138 mg/dl	71 - 159			
PHOS	= 3.6 mg/dl	3.1 - 7.5			
TP	= 8.6 g/dl	5.7 - 8.9			
Na	= 161 mmol/l	150 - 165			
K	= 4.3 mmol/l	3.5 - 5.8			
Cl	= 126 mmol/l	112 - 129			

Animal Care Clinic
230 Stonegate Rd.
Algonquin, IL 60102
(847) 854-8387

Species : Ger Feline >8yr
Patient : BAPTET
Client : TYNDALL

Ver: 8.10A
Date : 02-Apr -2007 11:35AM

Test	Results	Reference Range	Indicator		
			LOW	NORMAL	HIGH
ALKP	= 24 U/L	14 - 111			
ALT	= 44 U/L	12 - 130			
BUN	= 28 mg/dl	16 - 36			
CREA	= 3.4 mg/dl	0.8 - 2.4			
GLU	= 138 mg/dl	71 - 159			
TP	= 8.6 g/dl	5.7 - 8.9			

PATIENT NAME:

Baffet

DATE:

4/2/07

CLIENT NAME:

Tyndall

DOCTOR:

Payne

CLIENT ID#

	7A	8A	9A	10A	11A	12P	1P	2P	3P	4P	5P	6P	7P
ATTITUDE													
TEMPERATURE													
PULSE / RESP													
MM / CRT													
URINATION / DEFECATION						-/-	-/-	-/-	-/-	-/-			
VOMITING / DIARRHEA						-/-	-/-	-/-	-/-	-/-			
WEIGHT													
FOOD													
TYPE													
AMOUNT													
APPETITE													
WATER						MC				MC			
MEDICATIONS													
1													
2													
3													
4													
5													
TREATMENTS													
1													
2													
3													
4													
FLUIDS #1													
TYPE													
RATE (ML/HR)													
CUMMULATIVE													
FLUIDS #2													
TYPE													
RATE (ML/HR)							31	31	31	31			
CUMMULATIVE							0	40	77	94			

ADDITIONAL
INSTRUCTIONS



Hill's Pet Nutrition, Inc. and Subsidiaries
P.O. Box 148
Topeka, Kansas 66601-0148
(785) 354-8523

July 19, 2007

Erik & Adria Tyndall
1537 Magnolia Dr.
Crystal Lake, IL 60014
Re: Claim # 100131341; 100125156 and 0012227746B

Dear Erik & Adria:

Thank you for contacting us about your pets, Bastet and Binx. We are saddened to learn of Bastet's recent illness and Binx's recent passing. We understand this must have been difficult for you and your family.

We appreciate that you have given Hill's the opportunity to respond to your request for reimbursements in connection with the recalled Hill's pet foods. We have reviewed your request and authorized a settlement payment of \$1,810.71.

If you are currently represented by a lawyer regarding any claim you may have in this matter, then it is not appropriate for us to communicate with you about your case. If you are represented by a lawyer, you received this letter because we were not aware of that representation, and we ask you please pass this letter along to your lawyer immediately and ask your lawyer to respond to the letter. If you are contacted by us (whether by phone or email) at any time after you are represented by a lawyer, then please state that you are represented by a lawyer, end the contact, and inform your lawyer.

In order to accept this settlement offer, you must sign a Release. Please note that by signing the Release you will be waiving any right you may have to sue Hill's with regard to the recent pet food recalls. However, there are options you may want to consider and discuss with an attorney before you settle your claim with us. This letter does not offer legal advice, but rather contains information to assist you in making an informed decision about your options.

Option regarding lawsuit seeking class action status

First, you may be eligible to participate in a class action lawsuit. The recall of various pet food products has led to numerous lawsuits in federal and state courts throughout the United States and Canada. A number of these plaintiffs are seeking class action status for their lawsuits. It is our expectation that those federal lawsuits brought as class actions will soon be consolidated for pretrial purposes in the United States District Court for the District of New Jersey and are referred to as *In re Pet Food Products Liability Litigation*, MDL Docket No. 1850. If the court decides that a lawsuit should have class action status and your pet was harmed as a result of the recalled pet food, you may be eligible to share in any recovery achieved in that class action. The recovery sought by plaintiffs in the actions includes the initial veterinary expenses incurred by pet owners. Also, plaintiffs may seek other expenses, including emotional distress, continued veterinary expenses and medical monitoring of your pet, autopsy and funeral

expenses, although the recovery of these additional categories of expenses may vary from state-to-state.

If you wish to participate in a lawsuit seeking class action status instead of seeking settlement directly from Hill's, then it is not necessary for you to do anything at this time.

Option of direct settlement with Hill's

Second, Hill's remains committed to settling claims by paying its customers for any reasonable expenses as a result of pets consuming our products that were recalled and you may resolve your claim directly with Hill's. To do so, you must sign and return the Release in the enclosed postage-paid envelope by August 31, 2007 and we will send you a settlement check. Again, you may speak with an attorney before doing so. Please note that if you sign a Release and accept a settlement directly from Hill's, then you will be releasing all claims relating to any damages sustained as a result of the recalls and you may not be permitted to participate in the above-mentioned class action lawsuits.

Option of individual case

Third, you can retain your own attorney to pursue your own case regarding the recalled pet food.

Option of taking no action

Finally, you can do nothing. You are not required to seek reimbursement from Hill's or contact any attorney associated with the lawsuits. Even if you do nothing at this time, you may be eligible to participate in a class action in the future.

If you have any additional questions regarding the full extent of your options, then you should speak to an attorney. If you are currently represented by an attorney, then please forward this communication to them immediately and ask your attorney to contact us directly.

We want to assure you that we understand the impact that the pet food recalls have placed upon pets and their families. We also want you to know that the people of Hill's are committed to earning your trust every day.

If you should have any questions about the settlement offer, please contact us at our dedicated address: Hill's Pet Nutrition, Inc., PO Box 499, Topeka, Kansas, 66601-0499.

Sincerely,

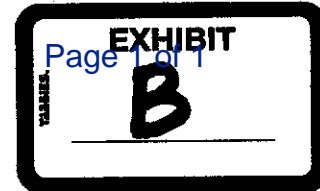
Hill's Pet Nutrition, Inc.

Enclosures

Copy to: Animal Care Clinic Fox Valley
 Attn: Dr. Paul Bierlein
 230 Stonegate Rd.
 Algonquin, IL 30102

JUDGE GETTLEMAN

MAGISTRATE JUDGE VALDEZ



UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ADRIA TYNDALL, ERIK TYNDALL, AND
ALEX TYNDALL, by his mother and next friend,
Adria Tyndall,

PLAINTIFFS,

v.

HILL'S PET NUTRITION, INC. and
CHEMNUTRA, INC.,

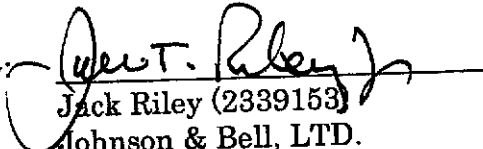
DEFENDANTS.

Case No. _____

Pending transfer to MDL
1850: *In re Pet Food Prod.*
Liab. Litig. (D. N.J., J.
Hillman)

NOTICE OF CONSENT TO REMOVAL

Defendant ChemNutra, Inc. hereby consents to the removal of the
state court action entitled *Adria Tyndall, et al. v. Hill's Pet Nutrition, Inc., et al.*,
Civil Action No. 08 L 063017, filed in the Circuit Court of Cook County, Illinois,
Law Division, District Three, to the United States District Court for the Northern
District of Illinois.

By: 
Jack Riley (2339153)
Johnson & Bell, LTD.
33 W. Monroe Street
Suite 2700
Chicago, IL 60603
312-984-0260 Phone
312-372-9818 Fax

Counsel for ChemNutra, Inc.

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

JUN 19 2007

FILED
CLERK'S OFFICE**RELEASED FOR PUBLICATION****DOCKET NO. 1850****BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION****IN RE PET FOOD PRODUCTS LIABILITY LITIGATION****BEFORE WM. TERRELL HODGES, CHAIRMAN, D. LOWELL JENSEN, J.
FREDERICK MOTZ, ROBERT L. MILLER, JR., KATHRYN H. VRATIL,
DAVID R. HANSEN AND ANTHONY J. SCIRICA, JUDGES OF THE PANEL****TRANSFER ORDER**

This litigation presently consists of thirteen actions listed on the attached Schedule A and pending in eight districts as follows: five actions in the Western District of Washington; two actions in the Western District of Arkansas; and one action each in the Central District of California, the District of Connecticut, the Southern District of Florida, the Northern District of Illinois, the District of New Jersey, and the Eastern District of Tennessee. Before the Panel are three motions, pursuant to 28 U.S.C. § 1407, that taken together seek centralization for coordinated or consolidated pretrial proceedings of all of these actions.¹ All responding parties agree that centralization is appropriate, but differ regarding the most appropriate transferee district for this litigation. In favor of the District of New Jersey as transferee district are moving Central District of California and Southern District of Florida plaintiffs and plaintiffs in the District of Connecticut, the District of New Jersey, and three of the Western District of Washington actions before the Panel, as well as plaintiffs in fourteen potentially related actions. Plaintiffs in two of the five Western District of Washington actions move for centralization in the Western District of Washington; plaintiffs in the Eastern District of Tennessee action support centralization there; and plaintiffs in the other three Western District of Washington actions alternatively support centralization there. In favor of the Western District of Arkansas as transferee district are plaintiffs in the two Western District of Arkansas actions and the Northern District of Illinois action, and plaintiffs in six potentially related actions. Plaintiffs in two potentially related District of New Jersey actions alternatively support centralization in the Western District of Arkansas. Supporting the Northern District of Illinois as transferee district are all responding defendants, including Menu Foods, Inc., and its related entities, and plaintiffs in one potentially related action. In favor of the Central District of California as transferee district are plaintiffs in nine potentially related actions. Finally, plaintiff in a potentially related Northern District of Ohio action suggests centralization in the Northern District of Ohio.

On the basis of the papers filed and hearing session held, the Panel finds that the actions in this

^{*} Judge Miller did not participate in the decision of this matter.

¹ The Panel has been notified of 97 potentially related actions pending in multiple federal districts. In light of the Panel's disposition of this docket, these actions will be treated as potential tag-along actions. See Rules 7.4 and 7.5, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001).

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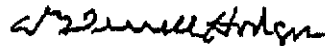
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litigation involve common questions of fact, and that centralization under Section 1407 in the District of New Jersey will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. All actions stem from the recall of pet food products allegedly tainted by melamine found in wheat gluten imported from China and used in these products. Centralization under Section 1407 is necessary in order to eliminate duplicative discovery; avoid inconsistent pretrial rulings, especially with respect to class certification; and conserve the resources of the parties, their counsel and the judiciary.

Although several districts could be described as an appropriate transferee forum for this nationwide litigation, we are persuaded to select the District of New Jersey. Pretrial proceedings are advancing well there and about one-third of all pending actions are already in this district.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, the actions listed on the attached Schedule A and pending outside the District of New Jersey are transferred to the District of New Jersey and, with the consent of that court, assigned to the Honorable Noel L. Hillman for coordinated or consolidated pretrial proceedings with the actions pending there and listed on Schedule A.

FOR THE PANEL:



Wm. Terrell Hodges
Chairman

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SCHEDULE A

MDL-1850 -- In re Pet Food Products Liability Litigation

Western District of Arkansas

Charles Ray Sims, et al. v. Menu Foods Income Fund, et al., C.A. No. 5:07-5053
Richard Scott Widen, et al. v. Menu Foods, Inc., et al., C.A. No. 5:07-5055

Central District of California

Shirley Sexton v. Menu Foods Income Fund, et al., C.A. No. 2:07-1958

District of Connecticut

Lauri A. Osborne v. Menu Foods, Inc., C.A. No. 3:07-469

Southern District of Florida

Christina Trotano v. Menu Foods, Inc., et al., C.A. No. 0:07-60428

Northern District of Illinois

Dawn Majerczyk v. Menu Foods, Inc., C.A. No. 1:07-1543

District of New Jersey

Jared Workman, et al. v. Menu Foods Ltd., et al., C.A. No. 1:07-1338

Eastern District of Tennessee

Lizajean Holt, et al. v. Menu Foods, Inc., C.A. No. 3:07-94

Western District of Washington

Tom Whaley v. Menu Foods, Inc., et al., C.A. No. 2:07-411
Stacey Heller, et al. v. Menu Foods, C.A. No. 2:07-453
Audrey Kornelius, et al. v. Menu Foods, C.A. No. 2:07-454
Suzanne E. Johnson, et al. v. Menu Foods, C.A. No. 2:07-455
Michele Suggett, et al. v. Menu Foods, et al., C.A. No. 2:07-457

